

Exhibit “A”

Deposition of George R. Chapman

<p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ALABAMA 3 JASPER DIVISION</p> <p>4 GEORGE R. CHAPMAN, JR., 5 Plaintiff, 6 VS. CIVIL ACTION 7 NO. 6:09-cv-1748-SLB</p> <p>8 WALKER COUNTY, ALABAMA, a 9 Governmental Entity; and SHERIFF 10 JOHN MARK TIREY and TRENTON 11 McCluskey, Individuals, 12 Defendants.</p> <p>13 DEPOSITION OF GEORGE CHAPMAN, JR.</p> <p>14 STIPULATIONS</p> <p>15 IT IS STIPULATED AND AGREED, by and 16 between the parties, through their respective 17 counsel, that the deposition of GEORGE CHAPMAN, 18 JR. may be taken before Scott Wilmeth, CCR, 19 RPR, State of Alabama at Large, at 2001 2nd 20 Avenue, Jasper, Alabama, on May 11, 2011, 21 commencing at 9:58 a.m.</p> <p>22 IT IS FURTHER STIPULATED AND AGREED 23 that the reading and signature to the deposition by the witness is waived, said deposition to have</p>	<p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Ms. Dowdy----- 5</p> <p>4 Mr. Saxon----- 101</p> <p>5 Ms. Dowdy----- 113</p> <p>6 Mr. Saxon----- 127</p> <p>7 Ms. Dowdy----- 128</p> <p>8 Mr. Saxon----- 128</p> <p>9 Ms. Dowdy----- 129</p> <p>10 Mr. Saxon----- 140</p> <p>11 Ms. Dowdy----- 144</p> <p>12 Mr. Saxon----- 147</p> <p>13 Ms. Dowdy----- 148</p> <p>14</p> <p>15 E X H I B I T S</p> <p>16 DEFENDANT'S EXHIBIT NO. MARKED</p> <p>17 1 - 9-25-08 Letter from Tucker----- 28</p> <p>18 2 - Memo----- 57</p> <p>19 3 - 11-7-08 Letter from Tirey----- 70</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>1 the same force and effect as if full compliance 2 had been had with all laws and rules of court 3 relating to taking of depositions.</p> <p>4 IT IS FURTHER STIPULATED AND AGREED 5 that it shall not be necessary for any objections 6 to be made by counsel as to any questions, except 7 as to form or leading questions, and that counsel 8 for the parties may make objections and assign 9 grounds at the time of the trial, or at the time 10 said deposition is offered in evidence, or prior 11 thereto.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>2</p> <p>1 BEFORE: Scott Wilmeth, CCR, RPR 2 Commissioner</p> <p>3</p> <p>4 APPEARING ON BEHALF OF THE PLAINTIFF: 5 Mr. John D. Saxon 6 John D. Saxon, P.C. 7 2119 3rd Avenue North 8 Birmingham, Alabama 35203</p> <p>9</p> <p>10 APPEARING ON BEHALF OF THE DEFENDANT: 11 Ms. Kristi A. Dowdy 12 Law Offices of Kristi A. Dowdy 13 300 North Richard Arrington, Suite 200 14 Birmingham, Alabama 35203</p> <p>15</p> <p>16 ALSO PRESENT: Trenton McCluskey</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p>1 I, Scott Wilmeth, CCR, RPR, State of 2 Alabama at Large, acting as commissioner, certify 3 that on this date, in accordance with the Federal 4 Rules of Civil Procedure and the foregoing 5 stipulations of counsel, there came before me at 6 2001 2nd Avenue, Birmingham, Alabama, on May 11, 7 2011, GEORGE CHAPMAN, JR., witness in the above 8 cause for oral examination, whereupon the 9 following proceedings were had:</p> <p>10</p> <p>11 GEORGE CHAPMAN, JR., 12 having been first duly sworn, was examined and 13 testified as follows:</p> <p>14 THE COURT REPORTER: Usual 15 stipulations?</p> <p>16 MS. DOWDY: That's fine with me. 17 MR. SAXON: Yeah.</p> <p>18</p> <p>19 EXAMINATION BY MS. DOWDY:</p> <p>20 Q. Will you state your full name for 21 the record, please, sir?</p> <p>22 A. George Roscoe Chapman, Jr.</p> <p>23 Q. Mr. Chapman, I introduced myself to</p>	5	<p>1 Alabama.</p> <p>2 Q. How long have you lived at that 3 address?</p> <p>4 A. All my life.</p> <p>5 Q. Who lives there with you at that 6 address?</p> <p>7 A. My mom, my dad and my brother.</p> <p>8 Q. Is this your mom and dad's house?</p> <p>9 A. Yes.</p> <p>10 Q. What are their names?</p> <p>11 A. I'm a junior, so my father's name is 12 George, Sr. and my mom's name is Lois and my 13 brother's name is Cedric.</p> <p>14 Q. How old are you, Mr. Chapman?</p> <p>15 A. I'm 37 years old.</p> <p>16 Q. What's your date of birth?</p> <p>17 A.</p> <p>18 Q. Do you have an Alabama driver's 19 license?</p> <p>20 A. Yes, ma'am, I do.</p> <p>21 Q. Do you know your number?</p> <p>22 A.</p> <p>23 Q. What was the last grade you finished</p>	7
<p>1 you earlier. I'm Kristi Dowdy. I represent 2 the defendants in this lawsuit that you've 3 filed against them.</p> <p>4 A. Okay.</p> <p>5 Q. Have you ever given a deposition 6 before?</p> <p>7 A. No, ma'am, I haven't.</p> <p>8 Q. Okay. I'm just going to ask you a 9 series of questions and I just need you to 10 answer them out loud, if you can. If I ask you 11 a question that doesn't make sense or that you 12 don't understand, if you will please tell me, 13 I'll try to repeat it. I promise you will not 14 hurt my feelings.</p> <p>15 A. Okay.</p> <p>16 Q. Now, if you want to stop, take a 17 break, just let me know, okay?</p> <p>18 A. Okay.</p> <p>19 Q. Where are you currently living, Mr. 20 Chapman?</p> <p>21 A. I live in Jasper.</p> <p>22 Q. What's your address?</p> <p>23 A.</p>	6	<p>1 in school, Mr. Chapman?</p> <p>2 A. High school, 12th grade.</p> <p>3 Q. Did you complete the 12th grade?</p> <p>4 A. Yes, ma'am, I did.</p> <p>5 Q. Where did you go to high school?</p> <p>6 A. Walker High.</p> <p>7 Q. What year did you finish?</p> <p>8 A. 1994.</p> <p>9 Q. The Alabama driver's license you 10 gave me the number awhile ago, has that ever 11 been revoked?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Do you have any restrictions on your 14 driver's license?</p> <p>15 A. No, ma'am.</p> <p>16 Q. After you got out of high school, 17 did you go to work?</p> <p>18 A. Yes, ma'am. I did.</p> <p>19 Q. Do you have any other education 20 beyond high school?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Any vocational training?</p> <p>23 A. No, ma'am.</p>	8

<p>1 Q. Where did you start work after you 2 got out of high school?</p> <p>3 A. I went to work with my father and 4 them. They had a logging company.</p> <p>5 Q. What logging company was that?</p> <p>6 A. Chapman Brothers Logging.</p> <p>7 Q. Chapman Brothers Logging?</p> <p>8 A. Yes.</p> <p>9 Q. Where is that located?</p> <p>10 A. Here in Jasper.</p> <p>11 Q. How long did you work for your dad?</p> <p>12 A. Really, up until I started working here.</p> <p>14 Q. Which would have been what year?</p> <p>15 A. I started here March 31st, 2006.</p> <p>16 Q. So from 1994 to March of 2006, Chapman Brothers Logging company was the only place you worked?</p> <p>19 A. Well, I also worked at Marshall Durbin for awhile, brief period of time.</p> <p>21 Q. Where is Marshall Durbin located?</p> <p>22 A. It's three months. It's like leaving the post office here, cross these</p>	<p>9 A. I really don't remember, it's been so long ago.</p> <p>3 Q. Have you worked anywhere else, up until the time you went to work for the jail, other than for your dad and for Marshall Durbin?</p> <p>7 A. No.</p> <p>8 Q. Okay. Are you currently employed?</p> <p>9 A. Yes, I am.</p> <p>10 Q. Where are you employed?</p> <p>11 A. U.S. Security & Associates.</p> <p>12 Q. How long have you worked there?</p> <p>13 A. It'll be a year next month.</p> <p>14 Q. So June of 2010?</p> <p>15 A. Right.</p> <p>16 Q. What do you do for them?</p> <p>17 A. I'm a security guard.</p> <p>18 Q. Do you work in any particular place?</p> <p>19 A. Yes, wherever they put me.</p> <p>20 Q. Okay. So it's U.S. Security & Associates?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Where are they located?</p>
<p>1 tracks and just keep straight over this bridge 2 here and --</p> <p>3 Q. Is it still Walker County?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. That's a chicken plant; right?</p> <p>6 A. Right.</p> <p>7 Q. What did you do for Marshall Durbin?</p> <p>8 A. I worked in the cooler, shipping and receiving.</p> <p>10 Q. You said you worked for them about three months?</p> <p>12 A. Yeah, about three to six months, I'd say.</p> <p>14 Q. Do you remember what year that would have been?</p> <p>16 A. Not exactly. Maybe '98, '99, something like that.</p> <p>18 Q. Is there any particular reason you didn't work for them any longer than that?</p> <p>20 A. Not really. It's just that they didn't pay a whole lot.</p> <p>22 Q. Did you quit that job or were you terminated?</p>	<p>10 A. Birmingham, but they have a home office in Atlanta, Georgia. Well, actually, Roswell, Georgia.</p> <p>4 Q. So do they just place you in different locations, Mr. Chapman? How does that work?</p> <p>7 A. Just wherever the guards are needed. They contract guards out all over.</p> <p>9 Q. Are you assigned to a particular place for a specific period of time or --</p> <p>11 A. Well, right now I'm working at Jim Walters, at a strip pit.</p> <p>13 Q. Do you work 40 hours a week?</p> <p>14 A. Not right now, I don't. Currently, my hours is just being cut back to 36 hours, because they're doing some changing around right now, so they're not going to be able to give everybody 40 hours.</p> <p>19 Q. Up until your time just got cut, were you working 40 hours a week?</p> <p>21 A. Yes, I was.</p> <p>22 Q. What are you making with -- as a security guard?</p>

	13		15
1 A. 8.60 an hour.		1 Q. Okay. Did you ever try to go to	
2 Q. Has your pay changed in the last		2 work through like a temporary employment	
3 year?		3 service?	
4 A. No.		4 A. No.	
5 Q. Do you get any benefits?		5 Q. Did you work for your dad during	
6 A. I have no medical insurance. I've		6 that period of time?	
7 got dental insurance and eye insurance.		7 A. No, At that time, they had all the	
8 Q. They provide you with dental and		8 help they needed.	
9 eye, but no medical?		9 Q. Your dad still owns the logging	
10 A. Well, I signed up for it on-line and		10 company?	
11 they said I didn't, so I don't know. It was		11 A. Yes.	
12 some kind of discrepancy with it. I don't		12 Q. Does your brother Cedric work for	
13 really like doing things on the computer. I'd		13 him?	
14 rather, you know, fill it out hands-on, pen and		14 A. No.	
15 paper, you know.		15 Q. Where does he work?	
16 Q. I'm of that generation too.		16 A. He doesn't. He's disabled.	
17 A. Yeah.		17 Q. Is your mom employed?	
18 Q. Have you worked anywhere -- since		18 A. No.	
19 leaving the Walker County Sheriff's Department,		19 Q. Who does your dad own the logging	
20 have you worked anywhere else other than as a		20 company with?	
21 security guard?		21 A. His two brothers.	
22 A. No, ma'am.		22 Q. Hence the name Chapman Brothers,	
23 Q. With a security company?		23 huh?	
	14		16
1 A. No, ma'am.		1 A. Yeah.	
2 Q. Did you apply for work anywhere		2 Q. Who are his brothers?	
3 else?		3 A. Larry and Willie.	
4 A. Yes, I applied for several positions		4 Q. Is that located here in Walker	
5 around here.		5 County, Mr. Chapman?	
6 Q. Where all did you apply?		6 A. Yes, ma'am.	
7 A. Jasper Lumber, Marshall Durbin		7 Q. How long have they had that	
8 again.		8 business?	
9 Q. Anywhere else that you can recall?		9 A. Oh, some odd 50 years, I'd say, or	
10 A. That's about it, I guess. Well, no,		10 more. Before I was born.	
11 Taco Bell, I forgot.		11 Q. Okay. You started to work for the	
12 Q. Now, you left here in November of		12 sheriff's department in March of 2006?	
13 2008; is that right?		13 A. March 31st, 2006.	
14 A. Yes, ma'am.		14 Q. And what were you hired to do?	
15 Q. So you did not work from November of		15 A. I was a jailer.	
16 2008 up until June of 2010?		16 Q. And were you hired part-time or	
17 A. Right.		17 full-time?	
18 Q. All right. Anywhere else that you		18 A. Part-time.	
19 can recall that you applied for work during		19 Q. How did you find out that there was	
20 that period of time?		20 a job opening?	
21 A. The current job that I've got now.		21 A. I had been trying to get on down	
22 Q. And those are the only four places?		22 here for awhile; newspaper.	
23 A. As far as I can remember.		23 Q. So you saw an ad in the paper?	

	17		19
1 A. Yes, ma'am.		1 Q. And that's --	
2 Q. Do you remember what paper it was?		2 A. 11:00 to 7:00.	
3 A. Daily Mountain Eagle.		3 Q. Who else worked on that shift with	
4 Q. Okay. As a part-time employee, what		4 you?	
5 were your hours?		5 A. You mean in the supervisor's role?	
6 A. I believe it was work four days and		6 Q. Well, the other jailers?	
7 off three days, so it was, I think, 32 hours		7 A. Charles Hannah, Sharon Craven, Cindy	
8 every two weeks, something like that, if I'm		8 Bond, Chris Kendrick, and Chris Kendrick was a	
9 not mistaken.		9 sergeant, Frank McGhetti (phonetic spelling),	
10 Q. Do you remember when you were hired,		10 Sergeant Frank McGhetti.	
11 what your rate of pay was?		11 Q. How long did you continue to work	
12 A. 9.85.		12 third shift?	
13 Q. How did you apply for the job with		13 A. Probably at least the main two years	
14 the sheriff's department?		14 that I was here, until recently, until they	
15 A. What do you mean?		15 moved me to second shift.	
16 Q. Where did you go to apply for the		16 Q. Okay. Do you remember --	
17 job?		17 A. I was full-time, though, when I	
18 A. Oh, at the Civil Service Board.		18 moved to second shift at that time.	
19 Q. And then who hired you?		19 Q. Okay. While you were part-time, you	
20 A. Well, I guess that would be the		20 worked third shift?	
21 sheriff. I mean --		21 A. Yes, ma'am.	
22 Q. Okay. Did you interview with the		22 Q. Which is 11:00 to 7:00?	
23 sheriff or did you interview with somebody?		23 A. Yes, ma'am.	
	18		20
1 A. No, I interviewed with Mr.		1 Q. The last time you worked third	
2 McCluskey.		2 shift, was your supervisor still Lieutenant	
3 Q. Okay. And then you were hired?		3 Brown?	
4 A. Yeah, then I was hired.		4 A. No, ma'am.	
5 Q. How did you find out that they were		5 Q. Who was it?	
6 going to hire you to come to work?		6 A. Well, we had an acting lieutenant.	
7 A. Well, I got a phone call.		7 He hadn't really got the lieutenant position	
8 Q. Do you remember who called you?		8 yet, Tommy Miller.	
9 A. Mr. McCluskey.		9 Q. When did you become a full-time	
10 Q. All right. And you started working		10 employee?	
11 part-time as a jailer?		11 A. It was around September 27th, I	
12 A. Yes, ma'am.		12 believe, somewhere around in there, the end of	
13 Q. And did your job change at any point		13 September of 2008.	
14 in time while you were here?		14 Q. How did you find out that there was	
15 A. No.		15 a full-time position open?	
16 Q. You were always a jailer?		16 A. Well, I had taken the jailer's test	
17 A. Right.		17 again and I passed it, and so they go by your	
18 Q. Okay. And who -- when you first		18 score and everything, and then you're put on	
19 started, who was your supervisor?		19 the eligible register list and then they pull	
20 A. Randy Brown, Lieutenant Randy Brown.		20 names off that.	
21 Q. And what shift were you assigned to		21 Q. When a job position becomes	
22 when you --		22 available?	
23 A. Third shift.		23 A. Yes, when a full-time position	

<p>1 becomes available.</p> <p>2 Q. When a full-time position becomes 3 available?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. So you were next in line for that, I 6 guess, position?</p> <p>7 A. I assume I was.</p> <p>8 Q. Okay. And when you went to 9 full-time, did your pay change?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. What were you making?</p> <p>12 A. Well, last thing when I worked here 13 and I was full-time, I was making 12.60 an 14 hour. Mr. McCluskey was the one that informed 15 me that I would be going full-time.</p> <p>16 Q. Did you have other benefits?</p> <p>17 A. Well, I had just got medical 18 insurance and all that good stuff and, you 19 know, dental. And I don't know if they offered 20 eye insurance in that health insurance package 21 or not. They may have. I don't quite remember 22 that. But it was a good medical package.</p> <p>23 Q. And you were not -- as a part-time</p>	<p>21</p> <p>1 Harbison.</p> <p>2 Q. Anybody else that you can think of?</p> <p>3 A. Ms. Mary Phillips.</p> <p>4 Q. When you were hired to work as a 5 part-time jailer, did you attend any type of 6 training classes or go to school?</p> <p>7 A. Oh, yes.</p> <p>8 Q. Which classes did you go to?</p> <p>9 A. I had to do a taser class, a pepper 10 spray class, a baton class, I mean, just 11 whatever they told us we had to do, you know. 12 One other name that I omitted on there.</p> <p>13 Q. Who is that?</p> <p>14 A. Albert Steadman also worked with me 15 on second shift.</p> <p>16 Q. Did you go to the jail management 17 course?</p> <p>18 A. Yes, ma'am, I did.</p> <p>19 Q. When did you go to that?</p> <p>20 A. That was before I started here. We 21 went out to Bevill State for about two weeks. 22 We were paid for it, 40 hours a week, you know, 23 and did two weeks of training out there.</p>
<p>22</p> <p>1 employee, you did not have those benefits 2 available?</p> <p>3 A. Oh, no, no, not at all.</p> <p>4 Q. Okay. What time did second shift 5 work?</p> <p>6 A. That would be 3:00 in the afternoon 7 till 11:00 at night.</p> <p>8 Q. And when you were moved to second 9 shift, who was your supervisor?</p> <p>10 A. That would be sergeant Rachel Harper 11 and Lieutenant James Woodley, which Lieutenant 12 Woodley is retired now.</p> <p>13 Q. Who else worked second shift with 14 you?</p> <p>15 A. Tifney Clifton, Ms. Killingsworth, 16 Mr. Hannah, I believe he was moved to that 17 shift with me at that time too, Ms. Craven 18 again.</p> <p>19 Q. Anybody else that you can recall?</p> <p>20 A. Yes, Ms. Monica Day. I'm trying to 21 think. Oh, Nick Harbison, I think. I think 22 that's his last name, Harbison. Maybe Harbin, 23 Nick Harbin, I'm sorry. It's Harbin, not</p>	<p>24</p> <p>1 Q. And you took that class before you 2 ever started as a jailer part-time here?</p> <p>3 A. Yes, ma'am, and that was taught by 4 the Bureau of Prisons, the DOC, Lieutenant 5 Steele and Sergeant Chester.</p> <p>6 Q. And then after you started, you 7 would regularly have different classes that you 8 would have to attend?</p> <p>9 A. Just taser classes and stuff like 10 that and, you know, to recertify yourself, you 11 know. I think we did that once a year. If you 12 didn't go through the training, you wasn't 13 allowed to carry a taser.</p> <p>14 Q. Right. Did y'all keep a taser on 15 you while you worked in the jail?</p> <p>16 A. I didn't, not particularly. I mean, 17 you know, I probably could have, but --</p> <p>18 Q. Was there a policy in place as to 19 whether you could keep a taser gun with you 20 while you were working as a jailer?</p> <p>21 A. Well, we could, I guess. I mean, we 22 only had two, but I guess we could.</p> <p>23 Q. What other weapons would you keep</p>

<p>1 with you while you were working as a jailer? 2 A. Just my stick and my pepper spray. 3 Q. Okay. When you refer to your stick, 4 is that a baton? 5 A. Yeah, ASP baton, A-S-P baton. It's 6 a little folding baton, you know, like to whip 7 it out, you have to beat it on the ground, the 8 concrete to make it go back in. 9 Q. I didn't ask you this earlier, Mr. 10 Chapman. I assume that since you're living at 11 home, you're not married? 12 A. No, ma'am. 13 Q. Have you ever been married? 14 A. No, ma'am. 15 Q. Have you ever lived anywhere other 16 than at home with your parents? 17 A. No, ma'am. 18 Q. Smart boy. When you took your 19 management jail class work, did they train you 20 in use of force? 21 A. Well, they showed us some things, I 22 mean, you know, like how to hit with it and 23 stuff like that, I mean --</p>	<p style="text-align: right;">25</p> <p>1 aggressive with you in a manner of coming at 2 you or something or whatever. I guess you 3 would say pretty much if they're trying to do 4 bodily harm to you, the inmate, on both 5 occasions, baton or pepper spray. 6 Q. What about the taser? When would 7 you use it? 8 A. Same thing. I wouldn't just go 9 around beating nobody with a baton or just 10 shooting somebody with a taser or just spraying 11 somebody for no reason. I mean, you know, that 12 would be ridiculous. 13 Q. Which were you supposed to use 14 first? 15 A. I would use the pepper spray first, 16 myself, because that would be the less most 17 lethal, I mean, I guess you'd say, try to get 18 them in the eyes and then, you know, if they 19 can't see you, maybe subdue them and put the 20 cuffs on them or whatever. 21 Q. Now, when you became a full-time 22 employee, was it your understanding that you 23 would be on probation for a certain period of</p>
<p>1 Q. How to hit with what? 2 A. With the baton. 3 Q. Did they train you in any type of 4 force continuum? 5 A. Kind of describe to me what you mean 6 by that. 7 Q. Okay. Were you taught when it was 8 appropriate to use certain types of force? 9 A. I would say if I was in a situation 10 where the inmate, you know, had me cornered or 11 whatever or to subdue the inmate, to get him 12 off of me, I mean, or whatever. 13 Q. Were you taught that there were 14 steps you were supposed to follow to protect 15 yourself and the inmate? 16 A. Well, I mean, if the inmate's 17 aggressively fighting me, I'm trying to protect 18 myself, you know, pretty much, I mean -- 19 Q. When you were taught your pepper 20 spray class, did they tell you when it was 21 appropriate to use pepper spray? 22 A. Only for use of force, I mean, you 23 know, like if someone was, you know, being</p>	<p style="text-align: right;">26</p> <p>1 time? 2 A. Yes, according to the letter I 3 received. 4 (Whereupon, Defendant's Exhibit 5 Number 1 was marked for 6 identification.) 7 Q. (By Ms. Dowdy) Let me show you 8 what's going to be marked as Defendant's 9 Exhibit Number 1. Can you tell me what that 10 is, please, sir? 11 A. Yeah, I got a letter like that. 12 Q. Is that a letter you got, Mr. 13 Chapman, or that letter is addressed to you 14 from the Civil Service Board, advising you that 15 you were a probationary employee for a period 16 of six months? 17 A. According to the paper, that's what 18 it says. 19 Q. Okay. So in September of 2008, did 20 you understand you were a probationary 21 employee? 22 A. Yes, but I was also a probationary 23 employee when I was part-time too.</p>

	29	1 Q. Okay. Before you became a full-time 2 employee, had you had any incidents with any 3 inmates?		31	1 physically trying to come at me, you know, so I 2 just struck him with my baton.
4		A. When you say incidents, what kind of 5 incidents do you mean?	3	Q. Do you remember the name of the 4 inmate?	
6		Q. Had you had any verbal, I guess, for 7 lack of better words, altercations with an 8 inmate?	5	A. Daniel Ryan, I believe, Daniel Bryan 6 or something like that.	
9		A. I'm going to put it to you like 10 this: I would say yes and sometimes no. I 11 mean, it depended on what kind of inmate you're 12 dealing with.	7	Q. Did anything happen as a result of 8 that incident with the inmate?	
13		Q. Had you ever had an inmate accuse 14 you of doing anything wrong?	9	A. What do you mean? Like an 10 investigation or something?	
15		A. Yeah, I have.	11	Q. Uh-huh.	
16		Q. What were you accused of?	12	A. I believe there was an investigation 13 done.	
17		A. It was some investigation one time 18 where they had this particular inmate, he 19 said -- I think it was something that he's -- 20 what would you call it? I guess gay, bisexual, 21 whatever, and he made some comment about I 22 groped him or something.	14	Q. Who was the other officer you were 15 with when this happened?	
23		Q. Do you remember when this was, Mr. Chapman?	16	A. Nick Harbin.	
	30		17	Q. And did Mr. Harbin use any type of 18 force on the inmate?	
1			19	A. Not that I recall, except for just 20 helping me subdue him, you know.	
2		A. Not exactly, I don't. I mean, it's 3 been so long ago.	21	Q. Did the inmate have to have any type 22 of medical treatment?	
4		Q. Do you remember the name of the 5 inmate?	23	A. He may have, he may have, a few stitches, I mean, or something; not nothing that I would say that was drastically, seriously life threatening or nothing like that.	
6		A. Not the particular inmate, but I do 7 remember his cellmate's name.	5	Q. Was any type of investigation done?	
8		Q. Who was that?	6	A. Yes, ma'am.	
9		A. His cellmate was George Bryant, but 10 I forgot his name, the other guy.	7	Q. Do you recall what investigator 8 would have done that?	
11		Q. And an investigation was done?	9	A. I don't know the investigator's 10 name, not at that particular incident, I 11 didn't.	
12		A. Yes.	12	Q. Do you recall what the result of the 13 investigation was?	
13		Q. Do you recall being cleared in that 14 investigation?	14	A. I was cleared.	
15		A. Right, I was cleared.	15	Q. And to the best of your 16 recollection, you struck this inmate with your 17 baton?	
16		Q. Any other times that you can recall, 17 while you were part-time, where an inmate may 18 have accused you of doing something wrong?	18	A. Yes.	
19		A. Well, I had a particular incident 20 where an inmate tried to spit on me and kick me 21 in the chest as I entered his cell with another 22 officer and -- but in that instance, the inmate 23 was being aggressive with me and, you know,	19	Q. Where would you have hit the inmate?	
	32		20	A. The head, right across the forehead.	
			21	Q. Where are you trained to strike an 22 inmate with a baton?	
			23	A. Well, we're trained to aim for the	

<p>1 knees and upper area (indicating), you know, 2 like knees, shoulders and upper mass.</p> <p>3 Q. So somewhere between their shoulders 4 and their knees?</p> <p>5 A. Yeah, like, you know, bone points, 6 like, you know.</p> <p>7 Q. Like what? When you say, "you 8 know," you've got to help me.</p> <p>9 A. Like your knees, you know, and upper 10 areas, your bone points, like your joints or 11 whatever, you know. I would think if you'd hit 12 a person in their knees, you know, that they 13 would pretty much fall, I mean, you know.</p> <p>14 Q. Okay. I know that you're telling me 15 that's what you think, but when you take your 16 baton class and you're trained to use the 17 baton; correct?</p> <p>18 A. Right.</p> <p>19 Q. Okay. Where are you taught to 20 strike an individual?</p> <p>21 A. That's what I just said.</p> <p>22 Q. Okay.</p> <p>23 A. I mean, upper torso and knee area</p>	<p>33 1 just did not want to go to bed and settle down 2 at all or nothing, and so during my count, I 3 ended up encountering him and having to pepper 4 spray him and take him to the M-dorm.</p> <p>5 Q. Any other incidents that you can 6 recall?</p> <p>7 A. Let's see.</p> <p>8 MR. SAXON: This is all before he 9 became full-time?</p> <p>10 MS. DOWDY: Before he became 11 full-time.</p> <p>12 A. Not that I can remember, I mean, not 13 that, you know --</p> <p>14 Q. (By Ms. Dowdy) Nothing that stands 15 out in your mind?</p> <p>16 A. Yeah, that encouraged an 17 investigation or anything like that.</p> <p>18 Q. Was there an investigation after 19 this incident with Mr. Hinkle?</p> <p>20 A. No, no, Mr. McCluskey, I called him 21 that particular night and he told me Mr. Hinkle 22 has been a problem ever since he's been in 23 Walker County Jail and just do my job and</p>
<p>34 1 (indicating).</p> <p>2 TRENTON McCLUSKEY: Do you need some 3 water?</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MS. DOWDY: Let's take a break real 6 quick.</p> <p>7 (Whereupon, a recess was taken.)</p> <p>8 Q. (By Ms. Dowdy) Okay. Mr. Chapman, 9 you told me about the incident with this one 10 inmate, Daniel Bryan. Do you recall there ever 11 being any other incidents before you became 12 a --</p> <p>13 A. That was Daniel Ryan.</p> <p>14 Q. Daniel Ryan?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. Any other incidents that you 17 can recall with inmates?</p> <p>18 A. Yes, I had an incident with a 19 Tovarius Hinkle. He was an African-American 20 inmate, became very disruptive one night as I 21 was performing count. We have to do count. 22 When we come in the jail, we have to get a head 23 count. And he was disrupting head count and he</p>	<p>36 1 handle it and everything will be fine. 2 I also informed Mr. McCluskey that 3 one of my co-workers told me, "Well, you really 4 can't, you know, do your job and tell these 5 guys, you know, how to act and discipline them 6 or not, you know, discipline them, you know, 7 for, you know, not following the rules and 8 stuff."</p> <p>9 And I was like, "I don't understand 10 that." I mean, they've got an inmate handbook, 11 you know.</p> <p>12 Q. Who was the co-employee that told 13 you that?</p> <p>14 A. I'd rather not say his name. I 15 don't want to --</p> <p>16 Q. But you've got to tell me.</p> <p>17 A. Shannon Phillips.</p> <p>18 Q. Do you know if Mr. Phillips is still 19 employed here?</p> <p>20 A. I believe he is.</p> <p>21 Q. Do you recall any other inmates, 22 before you became full-time, where you would 23 have used your pepper spray or the baton?</p>

	37	1 A. Not that I can remember. 2 Q. Okay. 3 A. Not that I can recollect. 4 Q. Did you ever have an occasion to use 5 your taser? 6 A. No, I don't remember tasering an 7 inmate. 8 Q. So the whole time you were here, 9 even as a full-time employee, you never had to 10 use your taser? 11 A. No. It wasn't my taser either, 12 though. 13 Q. Okay. You never used a taser that 14 belonged to -- 15 A. We only had two, I mean, you know, 16 in the whole jail, but I -- I just didn't like 17 carrying that thing, because I'd be worried 18 about, well, now, if I get in a scuffle with 19 them, if they get it off me, you know, that 20 ain't good either. So, I mean, you know -- I 21 never shot anyone with it, but I -- I take that 22 back. I dry stunned a guy with it one day, an 23 inmate.		39	1 so Mr. Parham decided he wasn't going to do it, 2 so I told him, I said, "Well, okay, you're not 3 going to talk to me like that in front of these 4 guys and not tell me you're not going to do it. 5 I'll be in there." I grew up with Mr. Parham. 6 I know him and -- 7 Q. So when you went into the cell area 8 where he was, did you ask him to go back into 9 his cell? 10 A. I had already told him to go back in 11 his cell. He refused. So I told him, "Well, 12 pack your stuff. You're going to go to 13 M-dorm." 14 Q. Did you transfer him to M-dorm? 15 A. Yes, I did. That's when he was dry 16 stunned, on the way up the hall. 17 Q. On the way up the hall? 18 A. Yes. 19 Q. What had -- did something else occur 20 on the way down the hall? 21 A. I said up the hall. 22 Q. On the way up the hall, did 23 something else occur to cause you to dry taser
	38	1 Q. When was that? 2 A. Dry stun is like a -- just like put 3 it up, you know, just give them a little jolt 4 (indicating). I just remembered that. 5 Q. Do you remember what inmate that 6 would have been? 7 A. Yeah, Christopher Parham. 8 Q. What was his last name? 9 A. Christopher Parham. He's 10 African-American also. 11 Q. Do you remember when this would have 12 been? 13 A. I'm thinking. I believe I was 14 full-time when this happened, though, I think. 15 Q. What had happened to cause you to 16 dry stun Mr. Parham? 17 A. Well, Mr. Parham became very 18 disruptive and causing problems in a dorm that 19 he was in and he was told to lock down and go 20 to his cell. He cursed me over the intercom 21 and told me he wasn't going to do it. 22 And I said, "Well, yeah, you are 23 going to do it. It's time to lock down." And		40	1 him? 2 A. He was just being loud and 3 disruptive and not wanting to do what me and 4 the other officer told him to do. 5 Q. Who was the other officer with you 6 that night? 7 A. Charles Hannah. 8 Q. What is M-dorm? 9 A. It's maximum security. It's where 10 the murderers and all the bad, bad people are 11 housed. 12 Q. Is the M-dorm used for any other 13 reason other than maximum security? 14 A. That's it, as far as I know. 15 Q. Is it more of a segregation type 16 area? 17 A. It's an area where the inmates are 18 locked down 23 hours a day. 19 Q. If an inmate gets out of line or is 20 causing a problem, can you put them in M-dorm? 21 A. Yes. 22 Q. Even if they're not normally a 23 maximum security type inmate?

	41	1 A. Yeah, if they're destroying county 2 property, I mean, you know -- 3 Q. So can an inmate be placed in the 4 M-dorm for segregation purposes? 5 A. I would say for disciplinary 6 reasons. That would be my reason for putting 7 an inmate in there, or if he needs to be 8 protected from a dorm that he's in, you've 9 got -- say you've got 15 guys in there and he's 10 number 16 and all 15 of them want to jump on 11 him and beat the crap out of him, I would get 12 him out of there and put him somewhere safe. 13 Q. He doesn't need to be in general 14 population at that point? 15 A. Right, right. 16 Q. How many people are housed in a cell 17 in M-dorm? 18 A. I think they have 23 dorms in there, 19 cells in there, 23, 24, something like that. 20 It's been awhile since I've been in there. 21 Q. Do they put more than one inmate in 22 a cell? 23 A. Sometimes. It generally houses two		1 Q. Okay. Did you ever have an incident 2 with an inmate who escaped? 3 A. Oh, yeah, yeah, yeah, yeah. I'm 4 sorry, I forgot about that, yeah. 5 Q. Who was that inmate? 6 A. Roy Dale Madison. 7 Q. Madison? 8 A. Yeah, Roy Dale Madison. 9 Q. What happened that day? 10 A. He was over there at work release 11 and I was told to go pick him up that day, but 12 I had just come to the shift that particular 13 day. That was my first day on second shift, if 14 I'm not mistaken. And Ms. Harper had me up in 15 booking, trying to brief me on some things and 16 telling me she needed to get some paperwork 17 done and needed me to sign some things and 18 stuff, and talk to me about, I guess, how they 19 do things on second shift or whatever and sign 20 some insurance papers and get my off days and 21 stuff straightened out and everything. 22 So at that time, I was kind of busy 23 and she was too, because she was, you know,
	42	1 at a time. 2 Q. That was my question. After you 3 became a full-time employee in September of 4 2008, did you have any incidents with any 5 inmates? 6 A. Can you repeat that again? 7 Q. After you became full-time in 8 September of 2008, did you have any type of 9 incidents with inmates that you can recall 10 where an inmate would have made a complaint 11 against you? 12 A. Yes, I did. 13 Q. When was that? 14 A. On November 2nd, a fight ensued. 15 Q. Okay. Was this the fight with Mr. 16 Parrish? 17 A. Yes. 18 Q. All right. But I'm talking about 19 before that time, though. 20 A. Oh, no. 21 Q. Between September and November, did 22 you have any type of incidents with any -- 23 A. No, no, not that I can recall.	44	1 with me at that time, trying to, you know, go 2 over all this stuff with me. And the phone 3 rings. And we have a pod rover in the M-dorm. 4 If I'm not mistaken, I think I was M-dorm rover 5 that day. And I don't know where the pod rover 6 was at, you know, but I was asked to go get the 7 inmate. But at that time, I mean, my mind was 8 focused on trying to do these paperwork that 9 she wanted me to, you know, do, and these 10 papers she wanted me to sign. 11 So I left the jail here and went 12 over there, you know, just going to go pick him 13 up. You know, he had never gave me no 14 problems. I mean, I knew Roy Dale. But this 15 particular day, I didn't have any cuffs. I 16 forgot my cuffs, you know. So when I got over 17 there to get him, I brought him out and he was 18 calm and everything. And when I opened the van 19 door, wanting him to get in, he took off on me 20 and he ran from me. 21 So I had never had anything like 22 that to happen to me, so I immediately called 23 back to the jail and I asked to speak to Mr.

1 Williams, because he's like the senior officer
 2 on our shift. He, you know, had worked here a
 3 long time.

4 So I asked him, I said, "Well, Mr.
 5 Williams, what do I need to do?"

6 He said, "Well, Trent's over in his
 7 office. Call Mr. McCluskey." So he said,
 8 "When you get back to the jail, just go over
 9 and tell him what happened and, you know,
 10 everything and explain everything to him."

11 So I did, and Mr. McCluskey told me,
 12 "Oh, buddy, it's okay. Don't worry about it.
 13 Stuff like that happens. It happens to the
 14 best of us."

15 And I was told to write a report on
 16 it and I didn't think nothing would come much
 17 of it. That was it.

18 Q. Was Mr. Madison eventually captured?

19 A. Yes, ma'am.

20 Q. Who picked him up?

21 A. A county deputy. I think it was Mr.
 22 Knight, Deputy Knight.

23 Q. Okay. Had you ever gone to work

45 1 an inmate is transported from one place to
 2 another, that they are in cuffs?

3 A. Right.

4 Q. And you did not cuff Mr. Madison
 5 that day; correct?

6 A. I forgot my cuffs, as I said, you
 7 know, with no one reminding me from booking
 8 either, you know, at that time. I'm trying to
 9 be totally honest with you here as I possibly
 10 can, you know.

11 Q. Well, Mr. Chapman, did you violate
 12 County policy or the policy of the Walker
 13 County Jail when you failed to cuff Mr. Madison
 14 to transport him?

15 MR. SAXON: Object to the form, to
 16 the extent it assumes facts not in evidence and
 17 calls for a legal conclusion. You can answer.

18 THE WITNESS: Do you want me to
 19 answer?

20 MR. SAXON: Yeah.

21 A. As I said, I forgot my cuffs, so, I
 22 mean, I assume that that was against policy.

23 Q. (By Ms. Dowdy) Okay. Was it your

46 1 release to pick up an inmate before?

2 A. I can't say that I had. I believe
 3 this was my first time, like I said, because I
 4 had just come to this particular shift. And
 5 this shift here, second shift is a lot
 6 different than third shift. It's like third
 7 shift is a little more, I guess you would say
 8 laid back and a little more quieter, because
 9 they're asleep at night most of the time, you
 10 know, and --

11 Q. Had you ever transported an inmate?

12 A. Yeah, I've went on a transport with
 13 another officer, yes, I have.

14 Q. Had you ever transported an inmate
 15 for medical care while you were working for
 16 third shift?

17 A. Yes, I've taken inmates to the
 18 hospital out here.

19 Q. What is the policy or is there a
 20 policy in place regarding transporting inmates?

21 A. Well, they're supposed to be cuffed,
 22 I mean, you know.

23 Q. Okay. Is it the policy that anytime

47 1 understanding, the day you went to pick him up
 2 from work release, that there was a policy in
 3 place that inmates had to be handcuffed when
 4 they were being transported?

5 A. Yes.

6 Q. Okay.

7 A. But let me say this, ma'am. Like I
 8 said, you know, things was kind of hectic at
 9 that time. There was a lot going on and things
 10 was like (indicating), you know, like that, and
 11 I'm trying to do more than one thing at one
 12 time, and you know how when you're doing more
 13 than one thing. Sometimes you may forget
 14 something. So I'm a human, you know, so honest
 15 mistake on my part, though. But as I said, Mr.
 16 Madison had never given me a day's trouble, you
 17 know.

18 Q. When you started work for the
 19 sheriff's department, were you given a jail
 20 policy and procedure manual?

21 A. No, I wasn't given one. I asked for
 22 one. I inquired about one.

23 Q. Okay.

<p>1 A. And then my lieutenant told me where 2 they were at and he said, "Well, you can find 3 them over in the hallway, in a box. Just go 4 over and get you one," so that's what I did. 5 Q. Were y'all told to become familiar 6 with the policies and procedures? 7 A. He told me that I should read over 8 it. 9 Q. And did you do that? 10 A. Yes, I did. 11 Q. Did you have any other -- well, let 12 me ask you this, Mr. Chapman: When you became 13 a full-time employee, full-time jailer, did you 14 ever have an inmate accuse you of excessive 15 force? 16 A. No, not -- no one besides Decatur. 17 Q. So during the whole time you had 18 been here, been employed here, even as a 19 part-time jailer, did you ever have an inmate 20 accuse you of excessive force? 21 A. Not that I know of. No one said 22 nothing to me if I did. 23 Q. Were you ever made aware of an</p>	<p>49 1 know, I don't know what you're talking about." 2 I know I went out there one day to 3 sit with a guy. I had been sitting with him 4 like three days straight. About the fourth day 5 I was sent out to there to sit with the guy, I 6 was told by another officer, Mr. DeVito, that 7 Mr. McCluskey said to come back to the jail. I 8 asked Mr. DeVito why and he said he didn't 9 know. He said Mr. McCluskey said come back to 10 the jail. 11 So I said, "Okay, fine, back to the 12 jail." 13 Now, upon me sitting with him one 14 day, he -- inmates tend to get a little -- I 15 guess you would say when they get away from the 16 jail, they tend to get a little arrogant and 17 everything and think that they can do what they 18 want to do, because -- they just think they 19 can, you know. 20 So I believe the t.v. was on in the 21 room where I was sitting and watching him, and 22 the other officer had left and I was relieving 23 the other officer. So I changed the t.v. and</p>
<p>50 1 investigation of an incident that had occurred 2 at the hospital where an inmate or actually a 3 hospital employee said that -- 4 A. Oh, yeah. That didn't happen. 5 Q. Well, let me ask you this: Were you 6 ever made aware of that incident, of that 7 allegation? 8 A. No, I wasn't made aware of it. I 9 heard about it through another co-worker that 10 perhaps upon me taking -- well, going to the 11 hospital with said inmate, I think his name 12 was -- I forget his name. The older gentleman. 13 I think his name was George, first name -- 14 George Foust. That's his name, yeah, yeah. A 15 co-worker of mine asked me did I know anything 16 about some rude treatment, I guess, that he 17 received or anything. 18 And I said, "No. What are you 19 talking about?" 20 And he told me, he said, "Well, 21 someone said, you know, that such and such 22 happened." 23 And I said, "No, I don't know -- you</p>	<p>52 1 he got upset because I changed the t.v. and 2 went to cussing and going on. 3 And I told him, I said, "Well, now, 4 you're not even really supposed to be watching 5 the t.v." I said, you don't have t.v. there at 6 the jail, and according to Sheriff Tirey, you 7 won't have it, so I don't have to let you watch 8 it." I said, "I can just turn it off." I 9 said, "Because the t.v. is here for my 10 enjoyment anyway, not yours." And that was 11 what I stated to the inmate and that was it. I 12 mean, but I wasn't ugly with him or anything. 13 Q. Never touched him? 14 A. No, no. 15 Q. Any of the staff at the hospital say 16 anything to you about it? 17 A. No, no one said nothing to me about 18 anything. That's why I said it never happened. 19 I don't know what you're talking about. 20 Q. Other than Mr., is it Decatur? 21 A. Yeah. 22 Q. Or is his last name Parrish? 23 A. Joseph Decatur Parrish or something</p>

<p>1 like that.</p> <p>2 TRENTON McCLUSKEY: It's Decatur.</p> <p>3 Q. (By Ms. Dowdy) Decatur. Is that</p> <p>4 the only inmate that you are aware of that ever</p> <p>5 accused you of excessive force, to your</p> <p>6 knowledge?</p> <p>7 A. Yeah, to my knowledge.</p> <p>8 Q. Okay. You said the incident with</p> <p>9 Mr. Decatur happened on November the 2nd of</p> <p>10 2008?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Tell me what happened on that day.</p> <p>13 A. That particular day, a fight ensued</p> <p>14 between said inmate Decatur and myself. He was</p> <p>15 ranting and raving about wanting to go back to</p> <p>16 B-dorm, B-dorm or -- no, he was in C-dorm. My</p> <p>17 mistake. He was in C-dorm and he was wanting</p> <p>18 to go back to C-dorm.</p> <p>19 Q. Where was he on November the 2nd of</p> <p>20 2008?</p> <p>21 A. Oh, he was in M-dorm this particular</p> <p>22 day. But what I'm trying to tell you, he was</p> <p>23 placed in M-dorm by me and another officer,</p>	<p>53</p> <p>1 to get along with the rest of these people in</p> <p>2 here." So we took him to M-dorm.</p> <p>3 Q. So he was moved from C-dorm to</p> <p>4 M-dorm?</p> <p>5 A. Right. And usually sex offenders</p> <p>6 are housed in X-dorm, which is upstairs, but I</p> <p>7 believe there was something about a hole being</p> <p>8 in a wall or something. Mr. McCluskey can tell</p> <p>9 you more about that, so --</p> <p>10 Q. But y'all moved Mr. Decatur to</p> <p>11 M-dorm?</p> <p>12 A. Yes, for his own protection, mind</p> <p>13 you.</p> <p>14 Q. Right. And do you remember what</p> <p>15 time period this was or how close to it was</p> <p>16 before November the 2nd?</p> <p>17 A. It was a few days before, probably</p> <p>18 about the end of October, I would say.</p> <p>19 Q. And on --</p> <p>20 A. Because I came back to work, I</p> <p>21 think, that Sunday. I'm thinking this happened</p> <p>22 on a Sunday, November the 2nd, 2008, when the</p> <p>23 fight ensued, him against me.</p>
<p>54</p> <p>1 because the few days prior to that, he was</p> <p>2 having trouble with other inmates down on the</p> <p>3 pod. They were calling him baby raper. Mr.</p> <p>4 Decatur is a second offender, and so other</p> <p>5 inmates took exception to that and was calling</p> <p>6 him names and everything. And he tore the top</p> <p>7 off the dayroom table and slung it and busted</p> <p>8 glass, shattered it on both sides of the</p> <p>9 dayroom.</p> <p>10 So the officer in the cubical,</p> <p>11 control room told me and the other officer,</p> <p>12 "Hey, y'all get down here. This guy's tearing</p> <p>13 the jail up. He needs to be gotten out of</p> <p>14 here."</p> <p>15 So we went down to find out what was</p> <p>16 going on and he was pitching a fit and</p> <p>17 everything.</p> <p>18 And he was like, "Well, they're</p> <p>19 calling me baby raper and this and that."</p> <p>20 And we were like, "Well, hey, dude,</p> <p>21 you're in jail, I mean, you know. But we can</p> <p>22 take you out of here and we're going to have to</p> <p>23 take you out of here, because you're not able</p>	<p>56</p> <p>1 Q. Okay. And so he is in M-dorm?</p> <p>2 A. Right.</p> <p>3 Q. And then it's my understanding they</p> <p>4 are locked down 23 hours a day?</p> <p>5 A. Yeah.</p> <p>6 Q. Is that what you testified to</p> <p>7 earlier?</p> <p>8 A. That's what I said, yes, ma'am.</p> <p>9 Q. All right. So what were you doing</p> <p>10 in M-dorm?</p> <p>11 A. Well, I was feeding in there. I was</p> <p>12 feeding inmates. I had just got through</p> <p>13 feeding them and put up the trays and</p> <p>14 everything, closed up the bean holes. And</p> <p>15 prior to that, before feeding him, I have to</p> <p>16 pass out store forms, because they get store.</p> <p>17 And so Mr. Decatur asked me for a commissary</p> <p>18 list. That is a list of items that's all on</p> <p>19 store, you know, like what you get, like Lays</p> <p>20 Potato Chips, Snickers candy bars, you know,</p> <p>21 Kool-Aid packs, stuff like that, commissary</p> <p>22 items.</p> <p>23 Q. How would you give them their forms?</p>

1 A. Well, usually, sometimes you might
 2 be able to slide them up under the door, if
 3 they don't have nothing under the door blocking
 4 the crack from you shooting it under there to
 5 them, you know. But this particular time --
 6 sometimes they keep towels up under the door or
 7 whatever, I guess, to keep the air out of the
 8 cell or whatever. I don't know. I don't know
 9 their reason for doing it. But he asked for
 10 the store form. I didn't think nothing of it,
 11 I mean, the commissary list, so I call for the
 12 door, to hand it to him, going to give it to
 13 him. He comes out on me, plain and simple.
 14 (Whereupon, Defendant's Exhibit
 15 Number 2 was marked for
 16 identification.)

17 Q. (By Ms. Dowdy) Let me show you what
 18 I'm going to mark as Defendant's Exhibit 2. Do
 19 you recognize this, Mr. Chapman?

20 A. Oh, yeah, I recognize that.

21 Q. Okay. What is that?

22 A. "There should be two officers
 23 present at all times when opening cell doors in

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1 upside the head, shirt pulled off over my head.
 2 I couldn't see him. He was punching me all in
 3 the head and face and everything, and I'm just
 4 trying to keep my hands up, to keep him off me
 5 at that point in time.

6 And he was on me, so I got to my
 7 spray and I sprayed him, and that seemed to
 8 have no effect on him. He just kept coming.
 9 And so at that time, I finally was able to kind
 10 of get my balance and kind of get him pushed
 11 off me. By then, he had ripped my shirt off
 12 and I had no shirt on. And when the other
 13 employees, my co-workers came in there, I'm in
 14 there in my underwear, because my pants had
 15 slipped down to my ankles by then, you know,
 16 so --

17 Q. Had you called for help?

18 A. No, I couldn't call for help. I
 19 lost my radio in the process of this scuffle.
 20 Mr. Williams saw what was happening and he
 21 hollered for help. He called a code red.

22 Q. And what's a code red, Mr. Chapman?
 23 A. That means all officers need to get

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 1 M-dorm, no exception." We all know that, you
 2 know. But if I'm in M-dorm, I can't open the
 3 door and I'm not in the control room, so that's
 4 impossible. I can't be in two places at one
 5 time, see.

6 Q. Who called for the door to be opened
 7 that day?

8 A. I called for the door to be opened,
 9 but I'm telling you I can't open and push the
 10 button and literally open the door and be in
 11 there with him too. That's just not possible.

12 Q. Do you remember who was in the
 13 control room that day, November 2nd?

14 A. Yes, I do.

15 Q. Who was that?

16 A. Jerry Williams.

17 Q. Okay. So what happened after the
 18 door was opened?

19 A. He came out on me and a fight
 20 ensued.

21 Q. Okay. Can you tell me what
 22 happened?

23 A. Yeah, I'm getting pummelled, hit all

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1 to the immediate scene as quick as possible,
 2 inmate fighting a guard.

3 Q. So what other co-workers came in the
 4 M-dorm?

5 A. You had Ms. Clifton, you've got Ms.
 6 Killingsworth, you've got Ms. Phillips, you've
 7 got Ms. Harper.

8 Q. What happened when your co-workers
 9 got in there?

10 A. Well, when they got in there, he was
 11 tased. When he was tased by Ms. Clifton, he
 12 fell like, you know, in a butt position, kind
 13 of sitting in front of the cell door, but he's
 14 still aggressive. He's still trying to get up
 15 and come at me, and I don't know if he's going
 16 to come at them or not. So by that time, I
 17 retrieved my baton off the floor, struck Mr.
 18 Decatur across the knees, here (indicating),
 19 center mass, and the last place I struck him
 20 was across the forehead.

21 Q. How many times did you hit Mr.
 22 Decatur?

23 A. Maybe three, four, maybe. I'm not

1 sure. I really don't recall. But I know he
 2 would not quit. He would not stop fighting
 3 until he got that last lick across the head.
 4 When he saw that he was bleeding, he said, "I
 5 quit. I give up." That was his words.

6 My -- this is my scenario of the
 7 whole thing. I'm trying to protect myself and
 8 preserve human life, as well as these four
 9 females I'm in there with. I'm worried about
 10 their safety, just as well as mine. Mr.
 11 Decatur's a sex offender. Hey, I don't know
 12 what he would have did if he could have got
 13 loose and got one of them and dragged them in
 14 the cell, so I'm looking out for their best
 15 interest too. Somebody had to gain control of
 16 the situation. Mr. Decatur was not cuffed. He
 17 was not subdued in any way. He was still
 18 aggressive and trying to fight. That was the
 19 only reason he was struck with that baton like
 20 that.

21 Q. He had already been tased at the
 22 time you hit him?

23 A. He had already been tased, but he

61 to fill up a van with gas. I think those are
 2 poor judgment calls on her part.

3 Q. Who are you talking about?

4 A. Ms. Harper. Now, you've got four
 5 females there, including yourself, and one of
 6 y'all can't go put gas in a county van and you
 7 send my only help away from the jail and leave
 8 me hanging out to dry like that. And that was
 9 the only other male officer here, because Mr.
 10 Williams is confined to the control room,
 11 because he cannot take a blow to his neck,
 12 because it would kill him. He's an older
 13 gentleman and he ain't supposed to be scuffling
 14 and fighting. He apologized to me that day.
 15 He told me he was so sorry. He said he wished
 16 he could have helped me. That was his words to
 17 me, Mr. Williams.

18 Q. Would this have happened if you had
 19 had two officers when the M-dorm cell was
 20 opened?

21 MR. SAXON: Object to the form, to
 22 the extent it calls for speculation. You can
 23 answer.

62 1 was still trying to get up and fight.

2 Q. Were you aware that he was still
 3 connected to the taser wires at the time you
 4 struck him?

5 A. Well, yeah, he was, but the taser
 6 misfired when she first fired it.

7 Q. Okay. He had actually been tased,
 8 though, at the time you struck him?

9 A. He was tased, ma'am. That's what
 10 I'm telling you.

11 Q. Okay.

12 A. But, you know, the taser works like
 13 this. If you don't get the probes all the way
 14 deep into the skin, they might not hook up and
 15 connect too good. Maybe she didn't hit him
 16 directly and maybe they didn't go all the way
 17 into him. Maybe only one of them went into
 18 him. That's what I'm telling you. So he was
 19 still being aggressive and trying to get up and
 20 come at me and them too.

21 And prior to all this happening, the
 22 one male officer that could have been here to
 23 help me, she sends this officer, Nick Harbin,

63 1 A. I don't know. I asked Ms. Harper to
 2 come in there before this occurred. She told
 3 me over the radio if it wasn't urgent, she
 4 wasn't coming.

5 Q. You asked her to come into where --

6 A. Prior, into M-dorm where this took
 7 place, before this happened. And she told me
 8 if it was not urgent, she was not coming. I
 9 had asked her to come in there and speak to two
 10 more inmates that was upstairs, because they
 11 were having problems. One of them was gay and
 12 the other guy is heterosexual. One was white
 13 and one's black. Well, the gay guy was black.
 14 The white guy, he's heterosexual. He didn't
 15 want the gay guy in the cell with him.

16 He told me, "Hey, man, if you don't
 17 get him out of here, there's going to be a
 18 problem. Me and him ain't going to be able to
 19 stay in here together."

20 So I told him, I said, "Well, okay,
 21 I can't move you on my own, unless I call her
 22 and ask her if it's all right to move you."

23 We got a memo from moving people

<p>1 from cell to cell and from dorm to dorm, doing 2 stuff like that without going through the 3 proper channels. We're not to allow inmates to 4 go to another dorm, from A to B, to cut another 5 inmate's hair or stuff like that. We're not 6 allowed to just move them from cell to cell 7 just because they want to, can't do it.</p> <p>8 Q. All right.</p> <p>9 A. So I had to have her to tell me that 10 I could do it and that it was okay, but she 11 never bothered to come in there, and that was 12 just a few minutes before this fight ensued 13 with Decatur. Had she been there, I don't know 14 what -- I mean, you know, had she been there, 15 hey, this might not have happened. I don't 16 know. I can't say.</p> <p>17 Q. The two inmates that you're talking 18 about that you -- that were upstairs -- Mr. 19 Decatur was not upstairs, was he?</p> <p>20 A. No, Mr. Decatur was downstairs.</p> <p>21 Q. Downstairs. And it was not these 22 two inmates that you had the fight with. It 23 was Mr. Decatur; correct?</p>	<p style="text-align: center;">65</p> <p>1 treatment? 2 A. Yes, he did. 3 Q. Do you know what kind of medical 4 treatment he had?</p> <p>5 A. A few stitches across the head, I 6 believe. They were not concerned if I needed 7 medical treatment. I was not asked if I was 8 okay. I was not asked did I need to go to the 9 hospital and at that time, I did not know that 10 I could leave the jail, take it upon myself to 11 just go get checked out.</p> <p>12 But when I got home that next 13 night -- I mean that night, when I got off of 14 work, I noticed the next morning when I woke 15 up, I'm all red up here (indicating), I've got 16 scratches on me and everything.</p> <p>17 I didn't have no shirt on and my mom 18 saw me and she said, "What happened to you?" 19 And I told her, "Well, I was in a 20 fight."</p> <p>21 And I was sore all over, felt like 22 somebody had taken a hammer or something and 23 hit me in all my joints or something. Well,</p>
<p>1 A. Right, right.</p> <p>2 Q. Okay. Was there anybody else being 3 housed in the cell with Mr. Decatur?</p> <p>4 A. Yes, there was.</p> <p>5 Q. Who was the other inmate?</p> <p>6 A. He was a Bureau of Prisons inmate. 7 His name was -- oh, what is that guy's name? I 8 don't know his name now. He was a black guy, 9 light skinned fellow, tall, kind of slim. I 10 forget his name, though, but I wrote his name 11 down. He never came out of the cell at all, 12 though, because he knows that they're not 13 supposed to leave the cell. All inmates know 14 that they're not supposed to leave the housing 15 area unless instructed by staff.</p> <p>16 Q. After this incident, did you have to 17 have any type of medical treatment?</p> <p>18 A. I didn't receive any medical 19 treatment. I wasn't offered any medical 20 treatment.</p> <p>21 Q. Did you need any medical treatment?</p> <p>22 A. I don't know.</p> <p>23 Q. Did Mr. Decatur have to have medical</p>	<p style="text-align: center;">66</p> <p>1 I'm sore because I'm wrestling, tussling with 2 him during the fight. 3 Mr. Williams told me, he said, "Man, 4 I don't know how you did it, how you got that 5 guy back over to that cell." Because we fought 6 all the way from the cell over to the dayroom 7 table, to the middle of like the dayroom and 8 M-dorm. He said, "I don't know how you got him 9 back over there."</p> <p>10 I said, "Well, I don't know how I 11 got him back over there either. I couldn't 12 even see him. I had my shirt over my head. 13 I'm just trying to keep him off me, trying to 14 push him off (indicating)."</p> <p>15 Q. Do you know whether an investigation 16 was done about this incident?</p> <p>17 A. Yeah, the same day it happened.</p> <p>18 Q. Do you know what investigator was 19 called to do the --</p> <p>20 A. Darrell Mote. I know that inmate's 21 name, Ronald Grant.</p> <p>22 Q. Ronald Grant?</p> <p>23 A. Yes. That's the inmate that was in</p>

<p>1 the cell with Mr. Decatur.</p> <p>2 Q. Do you know if he saw any of the 3 incident between the two of you occur?</p> <p>4 A. He saw the whole thing. All the 5 other inmates did too. They encouraged him to 6 kick my ass. That's what they told him, "Kick 7 his ass, get him, fat B, fat bastard, get him."</p> <p>8 That's what all the other inmates in M-dorm 9 encouraging Mr. Decatur to get me, urging him 10 on.</p> <p>11 Q. So Mr. Mote did an investigation?</p> <p>12 A. Yes, he did.</p> <p>13 Q. And were you subsequently 14 terminated?</p> <p>15 A. November the 7th. I believe that's 16 on a Friday, if I'm not mistaken. This 17 happened on a Sunday. I come to work that 18 Friday, Mr. McCluskey hands me a piece of paper 19 and says, "You can go, bud. This is what we've 20 got."</p> <p>21 I said, "Well, I guess you need your 22 radio." I sat it on his desk and I left. Ms. 23 Kelly Godfrey was in his office with him.</p>	<p style="text-align: right;">69</p> <p>1 A. No, except for him giving me the 2 paper and telling me that, "This is what we've 3 got," and that I could talk to the sheriff if I 4 wanted to about it.</p> <p>5 And I said, "Well, where is he at, 6 Mr. McCluskey?"</p> <p>7 He said, "Well, I don't know. You 8 know how he is. You may see him today, you may 9 see him tomorrow, you may not see him for a 10 week or so."</p> <p>11 I said, "Well, okay." He said, "But 12 if you want to talk to him, you're welcome to 13 come talk to him." I said, "Well, all right. 14 Thank you," laid the radio down and I left.</p> <p>15 Q. Did you ever have a conversation 16 with Sheriff Tirey about the reason you were 17 terminated?</p> <p>18 A. Finally.</p> <p>19 Q. And when was that?</p> <p>20 A. March of 2009.</p> <p>21 Q. Where were you when you talked to 22 Sheriff Tirey?</p> <p>23 A. Upstairs in his office.</p>
<p>1 Q. Who was?</p> <p>2 A. Ms. Kelly Godfrey.</p> <p>3 Q. What was your understanding of why 4 you were being terminated?</p> <p>5 A. Whatever the paper said. All I 6 know, I was being terminated for misconduct or 7 something, excessive force or something, using 8 the baton or something.</p> <p>9 (Whereupon, Defendant's Exhibit 10 Number 3 was marked for 11 identification.)</p> <p>12 Q. (By Ms. Dowdy) Let me show you what 13 I've marked as Defendant's Exhibit 3. Is this 14 a copy of the letter you received terminating 15 you from employment with the Walker County 16 Sheriff's Department?</p> <p>17 A. Yeah, this looks like the one I got.</p> <p>18 Q. Okay. What was your understanding 19 of why you were being terminated?</p> <p>20 A. I didn't understand why I was being 21 terminated, to be quite frank with you.</p> <p>22 Q. Did you have a conversation with Mr. 23 McCluskey that day that you were terminated?</p>	<p style="text-align: right;">70</p> <p>1 Q. And what did he tell you?</p> <p>2 A. Well, when I talked to him, pretty 3 much, he told me that their insurance paid Mr. 4 Decatur \$10,000.00 and he didn't agree with it, 5 he said, but they did, and Mr. Decatur got out 6 of jail. And Mr. Tirey pretty much told me, he 7 said, "Well, if I was you, I'd sue."</p> <p>8 Q. Did he tell you why?</p> <p>9 A. I guess because I had been 10 wrongfully fired, ma'am. I don't -- I mean, 11 you know, I can't put words in the man's mouth. 12 I'm just telling you what he told me.</p> <p>13 Q. Okay. Did you ask him what you 14 needed to sue for?</p> <p>15 A. For wrongful termination. That 16 would be my reason for suing.</p> <p>17 Q. Okay. Why do you think you were 18 terminated, Mr. Chapman?</p> <p>19 A. I don't know. This paper really 20 doesn't describe much, you know. It says 21 something about a probationary period. I don't 22 see anything the here about -- nothing about me 23 using excessive force with a baton or nothing.</p>

<p>1 I don't know. I ain't got a clue. 2 Q. You don't have any explanation as to 3 why you were fired? 4 A. No, because all I was doing was 5 defending myself and my co-workers. Pretty 6 much to state the most obvious, as I see it, I 7 mean, I'm in there were four women. I mean, 8 come on, this guy, he's still aggressive, 9 trying to fight. I mean, somebody's got to get 10 control of the situation. 11 Q. Do you think you were terminated 12 because of the use of excessive force? 13 A. I don't -- I really don't know, 14 ma'am. I mean, I don't know. I mean, you'd 15 have to ask them what was their reason for 16 terminating me. I don't know. 17 Q. Do you think it was because of your 18 race? 19 A. That could play a part. 20 Q. Okay. How? 21 A. Well, to be quite honest with you, 22 Sheriff Tirey also told me this: He said, 23 "I've hit inmates in the head with my baton."</p>	<p style="text-align: right;">73</p> <p>1 lieutenant, Randy Brown, he also told me the 2 same thing out of his mouth. He said, "Oh, 3 they fired you for that?" He said, "I've hit 4 people in the head with my baton and they 5 didn't fire me." That was his words to me. 6 Q. Okay. What is Randy Brown's race? 7 A. He's white. 8 Q. Did he tell you about any of the 9 facts surrounding that incident? 10 A. No, he didn't go into detail. He 11 just told me, he said, "Oh, you ain't done 12 nothing bad." He said, "I've done that. They 13 fired you for that?" I said, "Yeah, I'm 14 fired." 15 Q. Do you know whether, when Mr. Brown 16 had used his baton on an inmate, it was after 17 that inmate had already been tased? 18 A. I don't know. He did not go into 19 detail with me about it. I just bumped into 20 him somewhere one day and he was asking me 21 about the jail and was I still working here, 22 and I told him, "No." 23 He said, "Why not?" I said I had</p>
<p>1 And I'm thinking to myself, "Well, 2 now, he's hit inmates in the head with his 3 baton and I've done hit an inmate in the head 4 with my baton, but I'm fired." 5 Q. Who made the decision to terminate 6 you? 7 A. Mr. Tirey signed the paper, but he 8 also told me that Mr. McCluskey told him, "Mr. 9 Chapman needs to go. He's going to be a 10 problem." That was his words to me. 11 Q. But do you know who made the 12 ultimate decision to fire you? 13 A. I guess Mr. Tirey. He signed the 14 paper. 15 Q. And -- 16 A. But he told me he was only going on 17 the word of his jail administrator. That was 18 his comment to me. 19 Q. So what facts do you have that would 20 support any allegation that Mr. -- or that 21 Sheriff Tirey fired you because of your race? 22 A. I just gave you an example, ma'am, I 23 mean, and I've talked to other officers. My</p>	<p style="text-align: right;">74</p> <p>1 been fired. He said, "What did you get fired 2 for?" And then I told him and he said, "Oh, 3 I've done that." He said, "They didn't fire 4 me." That was his words. 5 Q. Any other officers that you're aware 6 of that used their baton on an inmate and were 7 not terminated? 8 A. Yes, so I was told by other 9 co-workers. 10 Q. Okay. Who else -- 11 A. Which he is terminated now, but he 12 was given like three chances before he was 13 terminated. His name was Sam Sherrer. He was 14 sent to anger management, he was suspended, and 15 the last time he was fired. And they said he 16 literally sat on top of an inmate and took his 17 baton and beat the inmate in the head 18 repeatedly. I did nothing of the sort. 19 Q. That's what you were told; correct? 20 A. That's what I was told by co-workers 21 of mine. 22 Q. Did you witness that? 23 A. No, ma'am, I didn't.</p>

<p>1 Q. What is Mr. Sherrer's race? 2 A. White. 3 Q. Was Mr. Sherrer an employee here 4 when you were here? 5 A. No, ma'am. 6 Q. Have you ever had -- 7 A. But the people that told me that 8 were employed here when I was here. I'm trying 9 to be as honest with you as I possibly can. I 10 have no reason to lie. 11 Q. Any other officers that you're aware 12 of that had any physical altercations with 13 inmates that were still employed? 14 A. Say that again. 15 Q. Any other officers that you're aware 16 of that had a physical altercation with an 17 inmate that did not lose their job? 18 A. While I was employed? 19 Q. No, that you're aware of. 20 A. Other than the three I named? 21 Q. Randy Brown, Sam Sherrer? 22 A. And Sheriff Tirey. I told you -- 23 Q. Sheriff Tirey is an elected</p>	<p>77 1 across center mass here (indicating), and then 2 the last lick was across the forehead. 3 Q. I mean three to four times in 4 general. One time he was struck in the head; 5 correct? 6 A. One time. 7 Q. Okay. And the other times were to 8 other parts of his body? 9 A. Chest area, maybe shoulders area and 10 legs. 11 Q. But a total of three to four times? 12 A. Yeah, I would say, I guess, three to 13 four times. I really don't remember per se how 14 many times, but I couldn't tell you how many 15 times he cold fist punched me in the head, 16 because I couldn't see him. 17 Q. And I don't imagine you were 18 probably counting either, were you? 19 A. No. 20 Q. Mr. Chapman, you have sued Sheriff 21 Tirey and Mr. McCluskey and actually Walker 22 County for race discrimination. Tell me every 23 fact you have to support your allegation that</p>
<p>1 official. I'm talking about employees. 2 A. Well, no, not that I know of. 3 Q. Before this incident with inmate 4 Decatur, you had used your baton on another 5 inmate; correct? 6 A. Right, the one I told you about, 7 Daniel Ryan, the one who kicked me in the chest 8 and tried to spit in my face. 9 Q. All right. And you were not 10 terminated for that incident; correct? 11 A. No. What I'm trying to get my point 12 across to you is, ma'am, I didn't do anything 13 malicious to Mr. Decatur. It wasn't a Rodney 14 King beating or nothing like that. I struck 15 him one time in the forehead and that was it. 16 I didn't repeatedly beat him or nothing, and 17 the baton was not used as a weapon against my 18 co-workers or nothing. 19 Q. Maybe I misunderstood. I thought 20 you told me you struck him three to four times. 21 Did you -- 22 A. I didn't tell I hit him in the head. 23 I told you I hit him in the kneecaps, once</p>	<p>78 1 you were terminated because of your race. 2 A. I would say so. I mean, a 3 lieutenant, former lieutenant told me he wasn't 4 terminated for doing the same thing, I mean, 5 you know. 6 Q. And that was Randy Brown? 7 A. Randy Brown. And then I was told of 8 the other incident, Mr. Sherrer, and he was 9 given a chance to go to anger management. He 10 was suspended. And I got none of those 11 opportunities. That's what I'm trying to tell 12 you. If I'm such a bad officer or whatever -- 13 I didn't want to sue these people. Let me make 14 that very clear up front. I also told Mr. 15 Saxon that. I tried to talk to them and make 16 all amends I could with them. I went and 17 talked to Bruce Hamrick, went and talked to 18 Senator Charles Bishop, went and talked to Mr. 19 Tirey finally, when I could finally catch up 20 with him. I went and talked to Andrew Archie, 21 the head of the -- 22 Q. Hold on. Let's go back. Who did 23 you talk to? You talked to Sheriff Tirey. I</p>

<p>1 know we talked about that. Who else did you 2 talk to?</p> <p>3 A. I talked to Senator Charles Bishop 4 too about this incident.</p> <p>5 Q. What did you talk to Mr. Bishop 6 about?</p> <p>7 A. I just explained to him what 8 happened and everything.</p> <p>9 Q. What did he tell you to do?</p> <p>10 A. He basically asked me did I plan on 11 living around here and did I plan on having any 12 children around here and I told him, "Well, I 13 don't know, maybe."</p> <p>14 Q. And why did you tell him you thought 15 you were terminated?</p> <p>16 A. I told him I thought I was 17 wrongfully terminated.</p> <p>18 Q. But did you tell him why you thought 19 that way?</p> <p>20 A. I just explained to him what 21 happened, exactly what happened, the incident 22 and everything.</p> <p>23 And he -- when I told him that, he</p>	<p>81</p> <p>1 Tirey, Andrew Archie.</p> <p>2 Q. Who is Andrew Archie?</p> <p>3 A. He's the president of the Civil 4 Service Board. Bruce Hamrick, the man that 5 signs our checks.</p> <p>6 Q. When you talked to Mr. Archie, where 7 were you?</p> <p>8 A. Well, I was over at the monument 9 place, over there at the Gates Monuments.</p> <p>10 Q. What did you tell Mr. Archie?</p> <p>11 A. I just told him what happened, 12 exactly what happened, like I'm telling you, 13 and he pretty much just listened and, you know, 14 nodded and asked me, "What are you saying? You 15 want to file a grievance? What are you saying? 16 You want to file a grievance?" But according 17 to their handbook, Civil Service Board 18 handbook, I didn't have a right to file a 19 grievance because I'm, quote, "on a six month 20 probationary period."</p> <p>21 Q. Did you tell him you thought you had 22 been terminated because of your race?</p> <p>23 A. I told him I thought I had been</p>
<p>82</p> <p>1 said to me, "Well, seems like something ain't 2 quite right."</p> <p>3 Q. Did you tell him you thought you had 4 been terminated because of your race?</p> <p>5 A. I guess you could say that.</p> <p>6 Q. No, did you tell him that?</p> <p>7 A. I said I guess you could say that.</p> <p>8 Q. Okay. You're telling me you guess I 9 could say that. I don't want to say that. Did 10 you tell him that or not, yes or no?</p> <p>11 A. I explained to him exactly what 12 happened, just like I explained it to you, and 13 I showed him the reports and stuff, and he told 14 me something wasn't quite right about this 15 situation.</p> <p>16 Q. Okay. Let me ask you again, Mr. 17 Chapman. Did you tell Senator Bishop that you 18 thought you had been terminated because of your 19 race?</p> <p>20 A. I guess, yeah, yeah, you could say 21 that, yeah. I'd say yes to that.</p> <p>22 Q. Okay. Who else did you talk to?</p> <p>23 A. Okay. Senator Bishop, Sheriff</p>	<p>84</p> <p>1 wrongfully terminated.</p> <p>2 Q. Did you tell him on what grounds?</p> <p>3 A. I explained to him what happened and 4 everything, so I guess you could say yeah, I 5 did.</p> <p>6 Q. Who was the other person you talked 7 to? Bruce?</p> <p>8 A. Bruce Hemrick.</p> <p>9 Q. And he is a commissioner?</p> <p>10 A. He's the head of the County 11 Commission over there, signs our paychecks. 12 Well, he used to sign mine. He don't sign 13 mine.</p> <p>14 Q. What did you tell Bruce?</p> <p>15 A. I explained the situation to him and 16 told him about the fight and everything with 17 the inmate, and he told me he'd try to talk to 18 Sheriff Tirey about it and see if he could help 19 me get my job back. Never heard a thing from 20 him since the day I talked to him.</p> <p>21 Every day I called up here to speak 22 to Mr. Tirey, he was either busy or this or 23 that. Mr. Tirey also told me that the best he</p>

<p>1 could do for me was to give me my job back 2 part-time. I told him no, I didn't want that. 3 I wanted what I had when I left here, because I 4 felt I was wronged. I never should have been 5 fired anyway.</p> <p>6 He said, "Well, I can't do that."</p> <p>7 Q. Did he ever offer you a full-time 8 position?</p> <p>9 A. No.</p> <p>10 Q. Did he ever offer you a part-time 11 position?</p> <p>12 A. He said the best he could do, he 13 might could get me my job back part-time. But 14 every time I called him, he told me, he said, 15 "Well, keep in touch with me. Keep checking 16 back." Every time I called him, I never could 17 get ahold of him or nothing, or he was so busy, 18 so I never got my job back.</p> <p>19 Q. Did you tell Commissioner Hemrick 20 that you thought you had been terminated 21 because of your race?</p> <p>22 A. I told him I thought I had been 23 wrongfully terminated.</p>	<p>85</p> <p>1 I'm trying to say is I don't see how I could 2 get a fair investigation from the get-go, not 3 with Mr. McCluskey sitting there.</p> <p>4 Q. Why do you say that? Do you think 5 Mr. McCluskey had something against you?</p> <p>6 A. A little incident occurred before 7 all this conveniently happened anyway between 8 me and Mr. McCluskey.</p> <p>9 Q. Okay. What happened?</p> <p>10 A. We had a phone conversation.</p> <p>11 Q. Okay. When was that?</p> <p>12 A. Around the end of October. It was 13 about a female kitchen worker.</p> <p>14 Q. Who was that?</p> <p>15 A. My ex-girlfriend, to be exact. Her 16 name's Paula Richardson.</p> <p>17 Q. Paula Richardson?</p> <p>18 A. Yes. She worked in the kitchen with 19 Ms. Ruby McCollum. She calls me from the 20 kitchen that particular day and tells me she's 21 had a bad day.</p> <p>22 I'm like, "Well, what's wrong?" 23 So she tells me that Mr. McCluskey</p>
<p>86</p> <p>1 Q. Do you think you were terminated 2 because you used excessive force?</p> <p>3 A. I did not use excessive force. I 4 have a right to defend myself, ma'am.</p> <p>5 Q. Do you think you were terminated, 6 though, because somebody else viewed you as 7 having used excessive force?</p> <p>8 A. I don't know. I can't speak for 9 somebody else. You know what? I'm going to 10 say this: Mr. McCluskey never talked to me 11 about this incident at all, not from the day it 12 happened or nothing. And he set up there in 13 the investigator's room upstairs with the 14 investigator that particular day, sitting right 15 there beside him, across from him on the other 16 side of the table. I took my report up there.</p> <p>17 I said, "Is there anything else?"</p> <p>18 He said, "No, that's all, bud."</p> <p>19 Well, I was told by Sheriff Tirey my 20 co-workers sold me out. Well, now, you tell 21 me, what's more important to them, their jobs, 22 having a family and having money in their 23 pockets every week or trying to help me? What</p>	<p>88</p> <p>1 has sent Ms. Becky Kimbrell and Ms. Laura Tirey 2 into the kitchen and been pulling out white 3 female inmates and trying to get them to say 4 that she's mistreating them differently, 5 opposed to the way she treats the one black 6 lady that's in the kitchen working, the female 7 inmate.</p> <p>8 So I called Mr. McCluskey and I 9 asked him, I said, "Do you know anything about 10 this?"</p> <p>11 He said, "No, what are you talking 12 about?"</p> <p>13 I said, "Well, let me tell you about 14 it."</p> <p>15 So when I begin to tell him about it 16 and everything, his reply to me was, "Are you 17 her boss? Are you her union president? Well, 18 you don't need to worry about what's going on 19 in the kitchen," and he hung up the phone on 20 me. And he also asked me was I her lawyer. I 21 replied no.</p> <p>22 Q. Okay. This was a conversation you 23 had on the phone with Mr. McCluskey?</p>

<p>89 1 A. Yes. This happened first, before 2 the fight with Mr. Decatur. How conveniently 3 the fight with Mr. Decatur happens after this 4 phone conversation, just a few days later. 5 Q. What did Ms. Richardson tell you was 6 going on in the kitchen? 7 A. She said that the female officers 8 were coming in there all day long, off and on, 9 getting the kitchen workers out, trying to 10 question them and get them to say that she was 11 treating the white female inmates differently 12 than she did the one black female inmate. 13 Q. Do you know who Ms. Richardson 14 worked for? Did she work for the sheriff? 15 A. She works for ABL; she did. 16 Q. What is that? 17 A. That's a food service which in turn 18 worked -- that the county employs. 19 Q. Did she tell you that Mr. McCluskey 20 had done anything to her? 21 A. She told me, by no uncertain terms, 22 that the kitchen workers had been questioned 23 all day, off and on, by two female officers.</p>	<p>91 1 this allegation that you're making that they 2 set you up? 3 A. Well, what I'm saying is, ma'am, I 4 didn't start having problems. Mr. McCluskey 5 was all right with me until I disagreed with 6 him about something. I was his buddy up until 7 then. He always told me anytime I had a 8 problem in the jail or if I saw some changes 9 that needed to be made in the jail that would 10 benefit the jail, speak up, let him know, he'd 11 help me with anything. He said, "Buddy, 12 whatever you need." He said, "If you've got a 13 problem or something, you want somebody to talk 14 to about it, you can talk to me." 15 Q. And this phone conversation that you 16 had with Mr. McCluskey would have happened 17 when? 18 A. Around the end of October. This 19 fight occurred on November 2nd. 20 Q. The end of October being after 21 the -- what day? 22 A. Around, I'd say the last week of 23 October.</p>
<p>90 1 Q. By Officers Kimbrell and Tirey? 2 A. Right. And when I asked him about 3 it, he said he knew nothing about it. But when 4 I said, "Well, let me tell you about it," he 5 became upset, seemed like, a little aggressive. 6 And that's when he tells me all this other 7 stuff and then he hangs up the phone on me. 8 Then how conveniently, just a few 9 days later, November the 2nd, this fight 10 happens with me and the inmate. Follow the 11 pieces here? It's like I'm being set up. 12 Q. Do you think somebody got Mr. 13 Decatur to get in a fight with you? 14 A. Yeah. 15 Q. Who do you think did that? 16 A. I don't know. 17 Q. Okay. Well, do you have any 18 evidence that somebody got Mr. Decatur to come 19 out of his cell and have a fight with you? 20 A. You're going to -- I know you've got 21 the reports like I do. You're going to read 22 the reports. I mean, you know, I don't know. 23 Q. What facts do you have to support</p>	<p>92 1 Q. Okay. So after the 20th? 2 A. Yeah, I would say so. 3 Q. At the time this phone conversation 4 happened, had you already had the incident with 5 the inmate where he escaped? 6 A. Oh, yeah, that had already happened. 7 Q. And had that alleged incident over 8 at the hospital already happened? 9 A. That never happened. 10 Q. Okay. 11 A. I just told you that awhile ago. I 12 don't even know what -- 13 Q. And I said alleged incident. 14 A. Yeah. 15 Q. Do you know whether that had already 16 taken place? 17 A. I don't even know nothing about 18 that. 19 Q. Okay. 20 A. I told you what I said, you know. 21 That was it. 22 Q. Has anybody told you that you were 23 set up?</p>

<p>1 A. I'm going to put it like this: I 2 feel that I was wronged. 3 Q. Okay. I understand that you feel 4 that way, but I'm trying to find out if there's 5 anything that you -- any evidence you have that 6 would support your feeling that you were 7 wronged? 8 A. Yeah, the fight. How conveniently 9 for it to happen after I had this phone 10 conversation with him. That's what I'm saying. 11 Q. Did you ever talk to Mr. Decatur 12 after the fight y'all had? 13 A. No, and he tried to sue me. Well, 14 he did sue me. 15 Q. He sued you or he filed a claim? 16 A. Well, the claim, suit, lawsuit, 17 whatever it was. He (indicating) brought the 18 papers to the house, Mr. McCluskey. Not to 19 mention I'm sick behind all this, after losing 20 my job and everything, on high blood pressure 21 medication and all types of medication. I've 22 got sleep apnea and just a whole lot of 23 sickness after all this, and I've got the</p>	<p style="text-align: right;">93</p> <p>1 been talking to him about the fact that these 2 white female officers were questioning inmates 3 about their treatment from Ms. Richardson? 4 A. Correct. 5 Q. Okay. Was it your understanding 6 that Ms. Richardson had been accused of 7 discriminating against some of the inmates 8 based on their race? 9 A. That's what it sounded like. I 10 mean, and I was going to let him know that she 11 wouldn't do nothing like that, you know, and I 12 know this because I've been with her for 14 13 years. 14 Q. Are you still dating her? 15 A. No, not now. 16 Q. But Ms. Richardson was not 17 complaining to you, let me make sure I 18 understand, that she was being discriminated 19 against; correct? 20 A. She was telling me about she was 21 having a bad day, she was having problems that 22 day. That's what she was doing. 23 Q. Okay. Did she tell you she felt</p>
<p>1 medical records to prove it. 2 Q. Ms. Richardson was an employee of 3 ABL at the time you had this conversation with 4 Mr. McCluskey? 5 A. Yes, yes. 6 Q. And did you tell Mr. McCluskey that 7 you thought Ms. Richardson was being 8 discriminated against in some way? 9 A. I didn't get the opportunity to tell 10 Mr. McCluskey nothing else. I asked him did he 11 know about the incident. When I went into 12 details to tell him about the incident and 13 everything, that's when he told me pretty much 14 it was none of my business, mind my own 15 business and asked me was I her lawyer, was I 16 her boss, was I her union president. And I 17 replied no to all of that and he hung up the 18 phone. 19 Q. How long would you say you were on 20 the phone with Mr. McCluskey that day? 21 A. What, maybe five, ten minutes, 22 maybe. 23 Q. And during that time, you would have</p>	<p style="text-align: right;">94</p> <p>1 like she was being investigated for 2 discrimination? 3 A. I didn't say that, ma'am. I told 4 you she called me on the phone and said she was 5 having a bad day and she started telling me 6 what happened. Because I said, "Well, what's 7 wrong?" because she was upset, and then that's 8 when she told me all about this, the inmates, 9 her story. 10 Q. I'm just trying to make sure I 11 understand. She told you there were two white 12 officers who were questioning the inmates that 13 worked in the kitchen, trying to determine 14 whether or not she was mistreating them based 15 on their race? 16 A. Right, prior (sic) to the way she 17 was treating the one black female that was in 18 there. 19 Q. Did she tell you at the time that 20 she felt like anybody at the sheriff's 21 department was mistreating her based on her 22 race? 23 A. All I can tell you is what I told</p>

	97	1 you she told me. That's all I know. 2 Q. Okay. And that's all she told you? 3 A. Yeah. Now, you can draw your own 4 conclusions or whatever. I don't know. 5 Q. I'm not trying to draw any 6 conclusions. I'm just -- 7 A. I just know what she told me. 8 Q. And I'm not trying to argue. I'm 9 just trying to make sure I understand what she 10 reported to you. Did she report to you that 11 anybody at the sheriff's department was 12 mistreating her? 13 A. I -- like I said, I can only tell 14 you what she told me, and I told you what she 15 told me. 16 Q. Okay. And you've told me everything 17 that she told you? 18 A. Right. 19 MS. DOWDY: Okay. Can we take a 20 break real quick? 21 (Whereupon, a recess was taken.) 22 Q. (By Ms. Dowdy) Mr. Chapman, who 23 trained you on use of a baton?		99	1 you know, it was they showed us the areas to -- 2 you know, that we should try to focus on, 3 pretty much, I mean, you know. Apparently it's 4 frowned upon. I meant to say he was my 5 sergeant too, Chris Penley was, when I was on 6 third shift. I forgot about him. 7 Q. Well, what would be the difference 8 between deadly force, in your opinion, and 9 nondeadly force? 10 MR. SAXON: Object to the form, to 11 the extent it calls for a legal conclusion. 12 You can answer. 13 A. I guess I would say deadly force 14 would be if the -- my life is threatened, I 15 guess, you know. They didn't see the whole 16 fight. Nobody really saw the whole fight but 17 me. I'm in there by myself. They only saw 18 what ensued towards the end of the fight. Mr. 19 Williams could see from a certain distance what 20 he saw, but hey, this guy, by no means was he 21 being nice to me, you know, at all. This was a 22 fight, I mean literally a fight. 23 I just want to say I loved my job.
	98	1 A. I believe it was Sergeant Chris 2 Penley. 3 Q. Were you taught when it was 4 appropriate to strike somebody in the head with 5 a baton? 6 A. I guess that would be like if 7 drastic measures or something like -- you know, 8 like I said, this was a fight. I mean, you 9 know, I don't -- I really -- you would have to 10 be there. I mean, of course, if somebody's 11 attacking you, you're going to do what you can 12 to defend yourself, you know. 13 Q. Okay. Is it considered deadly force 14 to strike somebody in the head with a baton? 15 A. I don't know. It may be something 16 in the SOP book about that. I don't know. I'm 17 not quite sure. 18 Q. In your training, though, that you 19 have received, did they teach you that if you 20 hit somebody in the head, that that could be 21 considered deadly force? 22 A. Well, they really didn't talk much 23 about that, you know, at the class. I mean,		100	1 This was the best job I had had in my whole 2 life. I liked it. I would have loved to have 3 been still working here, but hey, stuff 4 happens. 5 Q. (By Ms. Dowdy) After you use pepper 6 spray in the jail as a jailer, do y'all have to 7 file an incident report saying that y'all had 8 used -- 9 A. Yeah, we used it. 10 Q. And would you also have to file an 11 incident report after each time you used a 12 baton? 13 A. Well, we wrote reports -- I wrote a 14 report on what happened that particular day. 15 Everybody did, I mean, you know, that was 16 involved. 17 Q. What about the previous incident 18 where you had used your baton on an inmate? 19 Was there a report written on that? 20 A. I believe there was. 21 Q. And would there have been an report 22 after you dry tased that one inmate? 23 A. I probably wrote a report. I think

<p>1 I did.</p> <p>2 Q. And would that have been the policy 3 at the Walker County Sheriff's Department, to 4 write a report following any type of incident 5 like that with an inmate?</p> <p>6 A. Yes, any type of incident, we're 7 supposed to document it.</p> <p>8 MS. DOWDY: I think that's all the 9 questions I've got right now, Mr. Chapman. 10 Thank you.</p> <p>11 A. Thank you.</p> <p>12</p> <p>13 EXAMINATION BY MR. SAXON:</p> <p>14 Q. George, I've got a few follow-up 15 questions. You were asked by Ms. Dowdy the 16 race of some individuals. I don't know that we 17 got for the record what Sheriff Tirey's race 18 is. What is his race?</p> <p>19 A. He's a white man.</p> <p>20 Q. Now, you mentioned going to see 21 Senator Charles Bishop and you were asked if 22 you told him you thought you were terminated 23 because of your race, and basically you said</p>	<p>101</p> <p>1 to shoot you, son. Don't worry, it ain't 2 loaded."</p> <p>3 So then he went on to ask me did I 4 plan on having kids and living here in Walker 5 County, you know, and I said, "Well, I don't 6 know. I guess, maybe, you know."</p> <p>7 And then he pretty much told me, 8 "Well, Walker County's got a lot of hang-ups. 9 They're still behind in a lot of times, you 10 know." He said, "We've got a black president 11 now, but that really don't mean much around 12 Walker County."</p> <p>13 Q. The incident involving Paula 14 Richardson that you called Mr. McCluskey about, 15 did you conclude that Ms. Richardson thought 16 she was in some way being singled out or 17 discriminated against, based on what she was 18 telling you about?</p> <p>19 MS. DOWDY: Object to form.</p> <p>20 Q. (By Mr. Saxon) You can answer.</p> <p>21 A. The way she described things to me, 22 it made me think that she was being mistreated 23 and that she was being unequally treated and</p>
<p>102</p> <p>1 yes, but not in so many words. Was that before 2 or after he pulled a gun on you?</p> <p>3 MS. DOWDY: I missed that. Senator 4 Bishop pulled a gun on him?</p> <p>5 MR. SAXON: Well, you didn't ask him 6 and he didn't --</p> <p>7 MS. DOWDY: Well, I was going to say 8 I had not heard that.</p> <p>9 Q. (By Mr. Saxon) Did Senator Bishop 10 pull a gun on you?</p> <p>11 A. Yes, he did.</p> <p>12 Q. Okay. A shotgun?</p> <p>13 A. Yes, a shotgun or some kind of 14 hunting rifle. This is what happened. My dad 15 took me to see Senator Bishop, because he 16 thought that he could help me, because he had 17 known him for such a long time and they've done 18 work for him and stuff and everything.</p> <p>19 So upon me telling him about this 20 incident and everything, he's showing my dad 21 his hunting rifle and waving it around the room 22 (indicating). So I leaned back in the chair, 23 you know, and he was like, "Oh, I ain't going</p>	<p>104</p> <p>1 she was being discriminated against, just by 2 what she was telling me.</p> <p>3 Q. Based on her race being black?</p> <p>4 A. Right.</p> <p>5 Q. And supposedly favorable treatment 6 of the black inmate?</p> <p>7 A. Right.</p> <p>8 Q. And the fact that the white inmates 9 were being questioned?</p> <p>10 A. Right, right.</p> <p>11 Q. Okay. And did you convey that to 12 Mr. McCluskey?</p> <p>13 A. I didn't get the chance to convey 14 much of nothing to Mr. McCluskey, because I 15 told him, "Well, let me tell you about it." 16 When I told him about it -- first he lied to 17 me. He told me he knew nothing about it. Then 18 I said, "Well, let me tell you about it."</p> <p>19 And when I started to tell him about 20 it, that's when he replied to me, "Are you her 21 boss? Are you her lawyer? Are you her union 22 president? You don't need to worry about 23 what's going on in the kitchen. Mind your own</p>

<p>105 1 business."</p> <p>2 Q. How do you know he lied to you?</p> <p>3 A. Because when I first asked him about</p> <p>4 it, he said he knew nothing about it. But then</p> <p>5 when I started telling him about it, he does a</p> <p>6 whole 180, like he's upset now. So, I mean,</p> <p>7 his actions, that's what led me to believe that</p> <p>8 he was lying to me, his actions, the way he</p> <p>9 answered me in such a short turn and, you know,</p> <p>10 kind of wanted to rush me off the phone.</p> <p>11 Q. And then just within a week or two</p> <p>12 of talking to Mr. McCluskey about Paula</p> <p>13 Richardson and this possible discrimination in</p> <p>14 the kitchen, Mr. McCluskey recommended your</p> <p>15 termination?</p> <p>16 A. Yes, after the fight with Mr.</p> <p>17 Decatur.</p> <p>18 Q. In baton class, were you taught that</p> <p>19 it's okay to defend yourself and other</p> <p>20 officers?</p> <p>21 A. Yeah, preserve human life.</p> <p>22 Q. Have you been taught in other</p> <p>23 classes, since being a jailer for Walker</p>	<p>107 1 deal with Mr. Decatur that, "Well, if you don't</p> <p>2 sue us, I'll get you out of jail. We'll see</p> <p>3 about getting you out of here." And they ended</p> <p>4 up -- insurance ended up paying him \$10,000.00.</p> <p>5 Now, Mr. Tirey admitted to that,</p> <p>6 that they paid him \$10,000.00. He said he</p> <p>7 didn't agree with it, but he admitted to it</p> <p>8 that they did, you know. And I forgot the name</p> <p>9 of the insurance company, Meadow something, it</p> <p>10 was some lady. I saw the paperwork or</p> <p>11 something.</p> <p>12 Q. Meadowbrook?</p> <p>13 A. That's it, yeah.</p> <p>14 Q. Okay.</p> <p>15 A. And I was told Mr. McCluskey helped</p> <p>16 set Mr. Decatur up with a trailer somewhere,</p> <p>17 out in Sipsey or somewhere; I don't know.</p> <p>18 Q. And gave him a get out of jail free</p> <p>19 card?</p> <p>20 A. Yeah.</p> <p>21 Q. Did you ever see the taser report</p> <p>22 that Tiffany Clifton did about Mr. Decatur?</p> <p>23 A. Yeah, I saw -- I read her report and</p>
<p>106 1 County, that it's okay to defend yourself and</p> <p>2 other officers?</p> <p>3 A. Well, I would think that if they</p> <p>4 gave me the tools to use, why punish me for</p> <p>5 using them? That doesn't make sense.</p> <p>6 Q. Is that what you were doing when you</p> <p>7 struck Mr. Decatur? You were defending</p> <p>8 yourself and the four --</p> <p>9 A. I was defending myself and the</p> <p>10 female officers. I was in there with four</p> <p>11 women. I was the only male in there.</p> <p>12 Q. And you said he was a sex offender.</p> <p>13 What was the nature of his offense, if you</p> <p>14 know?</p> <p>15 A. I was told he raped a little 15 year</p> <p>16 old girl that come over to spend the night with</p> <p>17 his daughter. I don't know much about the man</p> <p>18 other than that.</p> <p>19 Q. Have you ever seen any documents or</p> <p>20 paperwork that indicated he was in for rape?</p> <p>21 A. No, I can't say that I have, not me</p> <p>22 personally. I was also told by other</p> <p>23 co-workers that Mr. McCluskey made sort of a</p>	<p>108 1 then I looked at the sheet that she had</p> <p>2 attached to it, the little black area on it.</p> <p>3 Q. And that taser report indicates that</p> <p>4 he was in for rape second; right?</p> <p>5 MS. DOWDY: Object to form.</p> <p>6 A. Okay. That's it.</p> <p>7 Q. (By Mr. Saxon) Is that what it</p> <p>8 says?</p> <p>9 A. Yeah, let's see. "Inmate was on</p> <p>10 floor trying to get up --"</p> <p>11 Q. I'm just asking you if -- it says,</p> <p>12 "Rape second," right there, doesn't it?</p> <p>13 A. Oh, yeah, it says, "Rape second."</p> <p>14 Q. Let me ask you a follow-up question</p> <p>15 or two about Roy Dale Marsh.</p> <p>16 A. Roy Dale Madison.</p> <p>17 Q. I mean Madison. When you went to</p> <p>18 pick him up, he was on work release?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Was he in cuffs or leg</p> <p>21 irons at the time?</p> <p>22 A. He wasn't in anything.</p> <p>23 Q. Okay. So if you had had your cuffs</p>

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1 on you, that doesn't necessarily mean you could
2 have kept him from running away, does it?
3 A. No, not really.
4 Q. I mean, if somebody runs away, they
5 can run away before you get them on there;
6 right?
7 A. Yeah. I mean, I could have cuffed
8 him, you know, but who's to say he still
9 wouldn't have ran? He didn't have leg irons
10 on, so --
11 Q. All right. If you would, take a
12 look at Defendant's Exhibit Number 2. Do you
13 have that in front of you?
14 A. Right.
15 Q. All right. Now, am I correct,
16 George, that the policy of the jail is that
17 whenever you're going to open a cell door that
18 has an inmate in it, there's supposed to be two
19 officers there at all times? Is that the
20 policy?
21 A. Yes, in this particular area, yes.
22 Q. Okay. And you knew that was the
23 policy, didn't you?

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1 put a key in that cell door and open it?
2 A. Yeah, I can, but I didn't have a
3 key. They were in the control room.
4 Q. Okay. So somebody has to be in the
5 control room to get the door open?
6 A. Right.
7 Q. Okay. So it would have been
8 physically impossible to open the door to get
9 him out or to go in to do anything with the
10 door open --
11 A. Sure.
12 Q. -- and have two officers present,
13 when you only had two on duty and one of them's
14 in the control room; right?
15 MS. DOWDY: Object to form.
16 A. I had a pod rover. I was the dorm
17 rover and had a pod rover. I don't -- she sent
18 the pod rover off to fill the van with gas.
19 But I was the only male officer left here
20 besides Mr. Williams, and Mr. Williams was in
21 the control room, so it was me in there by
22 myself.
23 But what I'm saying, I could not

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1 A. Yes, I knew that.
2 Q. Okay. And everybody knows that's
3 the policy here, don't they?
4 A. Yes, sir.
5 Q. But nobody follows it, do they?
6 MS. DOWDY: Object to form.
7 A. No.
8 Q. (By Mr. Saxon) Okay. Now, how many
9 of you were there working in that -- and was
10 this in M-dorm?
11 A. M-dorm.
12 Q. All right. In M-dorm that night,
13 the night of the incident with Mr. Decatur, how
14 many officers were there total working in
15 M-dorm?
16 A. One (indicating).
17 Q. Okay. And that was you?
18 A. Me.
19 Q. All right. Now, Mr. Williams, you
20 mentioned. Where was he?
21 A. In the control room, central control
22 right here (indicating).
23 Q. All right. Now, can you take and

112
1 open the door, push the button and open the
2 door if I'm in there with Decatur. It's just
3 impossible. I just can't be in two places at
4 one time. That's what I was trying to say
5 awhile ago.
6 Q. (By Mr. Saxon) Okay. And you had
7 asked Sergeant Harper to come with you over
8 there?
9 A. Yes, I had asked her prior, to come
10 in there prior to this happened, just a few
11 minutes before this happened, maybe five
12 minutes at the most, maybe, to come talk to
13 these other two inmates that was having
14 problems, because they weren't getting along,
15 George Bryant and some white inmate. I forgot
16 his name.
17 Q. And she refused?
18 A. And she told me if it wasn't urgent,
19 she wasn't coming. So I didn't feel the need
20 to keep bothering her, because she acted like I
21 was bothering her by asking her to come talk to
22 these two inmates, you know. And we did not
23 have any computers up and running that day

1 either, so we could not book anyone in, because
 2 the computers were shut down. The Blood Hound
 3 was off. It had been off since, I think, like
 4 Friday, so it was off Friday, Saturday and
 5 Sunday.

6 Q. And in this case, the Blood Hound is
 7 not a dog?

8 A. No.

9 Q. What's the Blood Hound?

10 A. That's the computers that we use in
 11 the jail, the computer program we use with all
 12 the inmates' names listed and the offenses and
 13 stuff on it and all that, and it didn't come
 14 back up until after this incident happened, the
 15 fight with me and Decatur.

16 MR. SAXON: I think that's all I've
 17 got.

18 A. But she was so busy, though, that
 19 she couldn't help me.

20 MR. SAXON: That's all I've got.

21 Ms. Dowdy may have some follow-up questions.

22
 23 RE-EXAMINATION BY MS. DOWDY:

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1 federal law and all that.

2 He asked me when I come back in
 3 there on signing my logs, he said, "I need a
 4 commissary list. Will you get me one?"

5 I said, "Sure." So it just so
 6 happened I had already passed store forms out
 7 there. I had some in my back pocket. So I
 8 reached to get it for him and I called for the
 9 door -- I'm just going to hand him the store
 10 form just like this (indicating), "Here you
 11 go," and boom, he comes out on me.

12 Q. Did you try to slide it up under the
 13 door first?

14 A. I couldn't. He keeps a towel up
 15 under the door. And they've been told not to
 16 do stuff like this.

17 Q. Could you ask him to remove the
 18 towel so you could slide it up under the door?

19 A. I've asked inmates to do a lot of
 20 things, ma'am.

21 Q. Well, you wouldn't have to give him
 22 the commissary list if he wouldn't do as you
 23 asked him to do, did you?

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1 Q. You only need two employees, two
 2 jailers in that M-dorm if you're going to open
 3 a door; correct?

4 A. Right.

5 Q. But there are a lot of times you go
 6 in there and there's just one employee; right?

7 A. Yeah.

8 Q. You can go in there and feed them,
 9 there can be just one jailer and that's
 10 perfectly fine; right?

11 A. Yeah.

12 Q. The policy is there'll be two of you
 13 if the door is opened; right?

14 A. When you've got bean holes, if
 15 you've got the keys, you can open the bean hole
 16 and stick the tray in there. But at this
 17 particular time, as I told you earlier, I had
 18 already fed the inmates, passed out store
 19 forms. After he ate and I had gotten all the
 20 trays up and I went and put the keys up, when I
 21 come back in there to sign my logs -- I have to
 22 sign my logs every 30 minutes. I'm supposed
 23 to. We're all required to, by their rules and

1 A. Well, I guess I might didn't have
 2 to, but, I mean, you know --

3 Q. And you made the decision to call
 4 for the door to be opened, even though there
 5 was just one officer present; correct?

6 A. Yes.

7 Q. Okay. Is it standard for you to go
 8 and feed M-dorm without another officer?

9 A. Oh, yeah, we can feed. One officer
 10 can feed M-dorm.

11 Q. So the fact that the other officer
 12 was gone to get gas in the van was not
 13 affecting your ability to feed these inmates;
 14 correct?

15 A. No.

16 Q. And the fact that you did not have
 17 anybody with you was not --

18 A. But he helped me feed before. After
 19 feeding, that's when all this transpired.
 20 That's what I'm telling you. That's when the
 21 fight transpired.

22 Q. Okay. You made the decision,
 23 though, Mr. Chapman, to have the door opened so

1 that you could hand him this list; right?
 2 A. Yes, I called for the door. Yes, I
 3 did.
 4 Q. All right. And that list was not
 5 anything that this inmate had to have; correct?
 6 A. Well, he -- yeah, he had to know
 7 what to fill out on the store form.
 8 Q. Okay. But he didn't have to have it
 9 at the moment; right? He could have waited
 10 until the officer got back from getting gas and
 11 y'all could have gone there together and handed
 12 it to him if you felt like you needed to hand
 13 it to him; correct?
 14 A. I didn't feel threatened by him,
 15 though, ma'am. Is that what you're trying to
 16 say?
 17 Q. I'm not trying to say anything. I'm
 18 just asking you, you could have waited until
 19 this other male officer got back if you thought
 20 that was warranted; correct?
 21 A. Well, ask me that again, because I
 22 don't know what you're trying to ask me,
 23 because see, I'm sitting here and my mind is

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1 that you're standing there alone, about to open
 2 that cell?
 3 A. I'm the only one in there. I'm the
 4 only one on the post for M-dorm. We fill out
 5 post orders every time we come in to work.
 6 Everybody's got a position they work. Now,
 7 she's the supervisor. She should know where
 8 everybody's at. We're her people. You see
 9 what I'm saying?
 10 Q. So anytime you heard --
 11 A. She made out the post orders.
 12 Q. Anytime you heard an M-door was
 13 about to be opened, you knew whether or not
 14 there was another officer -- were there two
 15 officers present?
 16 A. Say that again.
 17 Q. Okay. While you were working here,
 18 either as a part-time or full-time, and you
 19 heard on the radio that somebody was about to
 20 open a door in the M-block, you knew how many
 21 officers were standing there?
 22 A. A lot of times we do that. I
 23 mean --

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1 racing and I'm --
 2 Q. Could you have waited until the
 3 other male officer got back from getting gas in
 4 the van to have the door at M-block opened to
 5 hand Mr. Decatur his commissary list?
 6 A. Yeah, I guess I could have. I guess
 7 I could have waited on Ms. Harper to come in
 8 there too, when I asked her to, but she didn't
 9 come, I mean, so --
 10 Q. When you called Ms. Harper, you
 11 asked her to come and see about transferring
 12 those two inmates upstairs; correct?
 13 A. Right, about splitting them up, and
 14 she didn't come.
 15 Q. Did you ever call another officer
 16 and tell them you were about to open an M-door
 17 cell and you needed another officer present?
 18 A. It was heard all over the radio. I
 19 used my radio and I said, "M-6."
 20 Q. Okay.
 21 A. Everybody heard it. We've all got
 22 radios.
 23 Q. Okay. Does that let everybody know

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1 Q. You're not answering --
 2 A. There would be two people present.
 3 That's what I'm telling you.
 4 Q. But you're telling me that these
 5 other officers should have known that you were
 6 by yourself? When you were working and you
 7 heard on the radio that M-block, a door was
 8 about to be opened, you were also aware whether
 9 there was one or two inmates -- I mean two
 10 officers standing there; correct?
 11 A. I was the only officer assigned to
 12 this area.
 13 Q. All right. But when you were not
 14 working in M-block and somebody else was
 15 supposed to be posted in there, if you hear on
 16 the radio that a door is about to be opened in
 17 that block, how are you supposed to know how
 18 many officers are standing there?
 19 A. I don't, not really, I mean, you
 20 know.
 21 Q. Okay.
 22 A. What are you getting at? I don't
 23 understand.

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<p>1 Q. I'm just asking the question.</p> <p>2 A. I mean, I can't walk around through 3 the whole jail and have somebody with me at all 4 times to hold my hand. I've got a job to do. 5 I mean, you know, I'm not afraid of these 6 inmates, you know, afraid to be around them. I 7 treat them just like human beings every day, 8 you know.</p> <p>9 Q. You told me earlier that the most 10 violent inmates were usually housed in M-dorm; 11 is that correct?</p> <p>12 A. Right, right, right.</p> <p>13 Q. Do you think that might be the 14 reason that this Defendant's Exhibit 2 is 15 posted outside?</p> <p>16 A. Yeah, that's posted outside of 17 M-dorm. Everybody sees this every day.</p> <p>18 Q. Do you think that's the reason for 19 the policy, is because these are the most 20 violent inmates?</p> <p>21 A. Yeah, yeah, I mean, I would say 22 that.</p> <p>23 Q. When did you become aware of the</p>	<p>121</p> <p>1 that's your trustees. That's the guys like we 2 get to take around with us to feed or clean up 3 the jail or whatever, you know, take out 4 garbage, stuff like that. What I'm saying is 5 it's not uncommon for officers to be by himself 6 or by herself with inmates in this facility. 7 That's not uncommon.</p> <p>8 I mean, that happens in prisons. I 9 mean, you may have one officer trying to watch 10 50 inmates. That's not uncommon. I mean, so, 11 I mean, you've got to do your job. You can't 12 be -- you know, I can't, you know, pick up the 13 radio every time I've got to go somewhere and 14 say, "Well, hey, I need you to come over here 15 with me. I need you to come over here with me. 16 I need you to come over here with me." That 17 would kind of make me look like I might not 18 need to be working here, I'm kind of afraid or 19 scared or whatever.</p> <p>20 Q. But in M-dorm, how many times would 21 you go in there when you would be the only 22 officer with inmates?</p> <p>23 A. All day or all night long, because</p>
<p>122</p> <p>1 charges that were against Decatur?</p> <p>2 A. What charges?</p> <p>3 Q. That he had been charged with second 4 degree rape or a crime of a sexual nature?</p> <p>5 A. I was told that by a co-worker. I 6 mean, you know, I don't --</p> <p>7 Q. When were you told?</p> <p>8 A. I don't know. I mean, within the 9 period of time of me working there.</p> <p>10 Q. Before or after the incident, the 11 fight you had with him?</p> <p>12 A. Oh, I knew that before the fight, I 13 mean that he was a sex offender, because see, 14 the sex offenders are classified in X-dorm. 15 They're kept in a certain place. See, we've 16 got certain parts of the jail where we house 17 different inmates.</p> <p>18 Q. Right.</p> <p>19 A. That's what I'm saying. Like your 20 T-dorm, that's your workers that go out and 21 work with the districts and stuff, like 22 District 1, District 3, District 4. Then 23 you've got your MP-dorm here (indicating),</p>	<p>124</p> <p>1 I've got to sign those logs every 30 minutes.</p> <p>2 Q. So you would go in the M-dorm by 3 yourself?</p> <p>4 A. Yes.</p> <p>5 Q. And be the only officer in there 6 with inmates who were --</p> <p>7 A. I would go upstairs, downstairs --</p> <p>8 Q. And were all the inmates out or 9 would they be in their cell?</p> <p>10 A. No, they're in their cell, though.</p> <p>11 Q. Right.</p> <p>12 A. But this is what I'm trying to say. 13 I've learned that if you treat a person like 14 you want to be treated, you know, treat these 15 inmates with some type of respect and dignity, 16 you know, and just be fair with them, most of 17 the time you won't have no problems. They 18 won't bother you. They're still human, just 19 like us.</p> <p>20 I mean, they've done things wrong, 21 but it's not for me to judge them or say, you 22 know, "Hey, they are the scum of the earth or 23 whatever," because I'm not God, so I can't do</p>

<p>1 that. I mean, you know, all I can do is treat 2 them the best way I know how to treat them. 3 All I was trying to do was give Mr. Decatur a 4 commissary list. That's my honest intentions 5 and that's it.</p> <p>6 Q. Prior to --</p> <p>7 A. I did not know he was going to 8 attack me. I didn't feel threatened by him, so 9 that's why I asked for the door to be opened.</p> <p>10 Q. Prior to --</p> <p>11 A. Just like I didn't know Mr. Madison 12 was going to run from me. I didn't feel 13 threatened by him. Mr. Madison never gave me a 14 day's trouble the whole time he had been in 15 this jail.</p> <p>16 Q. Prior to November 2nd, 2008, had you 17 ever had any problems with inmate Decatur?</p> <p>18 A. No.</p> <p>19 Q. Never had any problems with him 20 calling you names?</p> <p>21 A. Oh, you get that. He may have 22 called me names or something, but, I mean, you 23 know, I don't --</p>	<p>125</p> <p>1 MS. DOWDY: I don't have anything 2 else. Thank you.</p> <p>3 THE WITNESS: Pardon me?</p> <p>4 MS. DOWDY: I don't have anything 5 else. Thank you.</p> <p>6 THE WITNESS: Okay.</p> <p>7</p> <p>8 RE-EXAMINATION BY MR. SAXON:</p> <p>9 Q. George, is it your testimony that 10 there were oftentimes when you were in M-dorm 11 and you were the only officer in there?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And based on conversations with your 14 fellow officers, did anybody ever indicate to 15 you that there were times when they were the 16 only officer in M-dorm?</p> <p>17 A. Sure. We do it all the time. We 18 have to sign those logs every 30 minutes. The 19 inmates are secluded in their cell. They 20 can't -- I mean, they can't hurt you unless 21 they get out, unless they come out from behind 22 the door, and that's a heavy door with a glass 23 on it, like a little cut out window like that</p>
<p>126</p> <p>1 Q. What had inmate Decatur called you?</p> <p>2 A. I don't know. I used to get Fat 3 Albert a lot, by a lot of the inmates and 4 stuff, fat ass, you know, stuff like that.</p> <p>5 Q. Did inmate Decatur ever call you 6 that?</p> <p>7 A. I don't know. He may have called me 8 a nigger one time. I mean, I've gotten that 9 too, you know, from inmates, from white 10 inmates. But, I mean, you know, it's part of 11 the job. So what I'm saying, this is not the 12 nicest place to work, but I liked my job.</p> <p>13 Q. So when you took inmate Decatur to 14 the M-dorm, how many officers escorted him to 15 M-dorm?</p> <p>16 A. Me and Officer Charles Hannah.</p> <p>17 Q. Okay. And when you got in M-dorm 18 and opened the cell, were there two of you 19 there?</p> <p>20 A. Yeah, there was two of us there when 21 we placed him in there that particular day. I 22 think that was like on a Friday, maybe, 23 Thursday or Friday or something.</p>	<p>128</p> <p>1 (indicating), but you can see in and they can 2 see you, you know.</p> <p>3 Q. Okay.</p> <p>4 A. And if you can't see in, we've got a 5 flashlight we're supposed to keep with us, 6 where we can shine in there, because sometimes 7 the inmates tears up the cell lights and the 8 cell might not have lights on it.</p> <p>9 MR. SAXON: That's all I've got.</p> <p>10</p> <p>11 RE-EXAMINATION BY MS. DOWDY:</p> <p>12 Q. Mr. Chapman, the policy is not that 13 you couldn't be in M-dorm without two officers 14 present, was it?</p> <p>15 A. No, ma'am, that's not the policy.</p> <p>16 Q. Okay. The policy is that when a 17 cell door within the M-dorm was opened, there 18 had to be two officers present; correct?</p> <p>19 A. Right, yes, ma'am.</p> <p>20 MS. DOWDY: All right. Thank you.</p> <p>21</p> <p>22 RE-EXAMINATION BY MR. SAXON:</p> <p>23 Q. And to your knowledge -- and was the</p>

<p>1 night you opened the door by yourself with Mr. 2 Decatur in the cell, was that the only time 3 that's ever happened here, in M-dorm? 4 A. That's the only time it's ever 5 happened to me where an incident occurred. 6 Q. Had you opened a cell door in M-dorm 7 where you were the only officer in the dorm? 8 A. Had I called for one before like I 9 did that night? Is that what you're asking? 10 Q. Yeah. 11 A. Sure. We do it all time, me, as 12 well as the other officers. That's what I'm 13 saying. 14 Q. Would be in M-dorm and only one 15 officer present when the cell door was opened? 16 A. Yeah. 17 MR. SAXON: Okay. 18 19 RE-EXAMINATION BY MS. DOWDY: 20 Q. You had done that before? 21 A. Yeah. Other officers have too. 22 Q. Okay. So you had violated policy 23 before this happened?</p>	<p>129 1 Q. Well, was there ever another 2 occasion when you were the only officer in 3 M-dorm, the whole entire dorm, and you opened a 4 cell door? 5 A. Maybe. I don't remember. 6 Q. Well, sitting here today, can you 7 remember there ever being another occasion 8 where that occurred? 9 A. I really can't answer that. 10 Q. Because you can't recall any other 11 times? 12 A. No, not except the time I just told 13 you, like when we're giving showers and stuff 14 like that. 15 Q. And again, there were two officers 16 in M-dorm when those doors were opened; 17 correct? 18 A. That's correct, that's correct, the 19 one upstairs and the one downstairs. 20 Q. That's not my question. There were 21 two officers in M-dorm; correct? 22 A. Yeah, that's correct. 23 Q. Okay. Do you know of any other</p>
<p>130 1 A. I mean, what I'm saying, this is not 2 nothing we really, I guess you would say, 3 quote, unquote -- when you've got something to 4 do, you've got something to do. 5 Q. Okay. What other occasions did you 6 have to be in M-dorm and open a cell door while 7 you were the only officer present? 8 A. Okay. Well, I'll give you an 9 example. We give showers in M-dorm. I used to 10 work at night. At nights, that's what we do. 11 We give showers and pass out store on third 12 shift. Be one officer upstairs and one officer 13 downstairs. Well, the officer downstairs will 14 call his door, the officer upstairs will call 15 his door. 16 Q. There were two officers present in 17 M-dorm when one of the cell doors was opened? 18 A. But not at the same cell, but it's 19 two officers in there, but one's upstairs and 20 one's downstairs. See, we're working here, 21 see. He's getting the guys on the top, they're 22 getting their shower, and I'm getting the guys 23 on the bottom.</p>	<p>132 1 times when another officer would have been by 2 himself or herself and had called for a door, 3 cell door to be opened in M-block? 4 A. Yeah, it happens all the time. 5 That's what I'm telling you. 6 Q. Give me the names of those officers, 7 please. 8 A. I can't just go give you names of 9 people. 10 Q. If you know that it's happened, give 11 me their names. 12 A. I'm telling you it happened, but -- 13 Q. I want to know each and every 14 officer's name that you're aware of that it has 15 happened to. 16 A. I don't want to get nobody in 17 trouble, you know, by saying people's names and 18 stuff. 19 Q. Mr. Chapman, you have testified that 20 other officers have done this and it is really 21 not a big deal, so give me the name of every 22 officer that you're aware of that has opened a 23 cell door in M-dorm when they were the only</p>

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1	officer in that dorm.	1	A. Well, it happened to me.
2	A. I'm telling you it's not uncommon	2	Q. On November 2nd, 2008 it happened to
3	for us to do it.	3	you?
4	Q. If it's not uncommon, that means	4	A. Yeah.
5	it's common; right?	5	Q. Okay.
6	A. Right, that's what I'm saying.	6	A. And Mr. Williams opened the door. I
7	Q. All right. If it's common, then	7	called the door number and he opened it.
8	give me the names of every officer you're aware	8	Q. Okay.
9	of that has opened a cell door in M-block when	9	A. So, I mean, it's not uncommon I'm
10	they're the only officer in that dorm.	10	saying.
11	A. Well, it wouldn't really much	11	Q. We've established that. That's a
12	matter, I mean --	12	one time incident. Does a one time incident
13	Q. Mr. Chapman, that's for me to	13	make something common?
14	decide, not you. I want their names.	14	A. Put it like this: That may be the
15	A. They don't work here no more.	15	only time where something drastic happened,
16	Q. Do they have names?	16	maybe, I don't know, I mean a fight ensued or
17	A. Yeah.	17	something, but --
18	Q. Okay. Give me their names.	18	Q. Mr. Chapman, you testified earlier
19	A. My lieutenant, he might do it	19	that that's the only time you can recall it
20	sometimes, Randy Brown.	20	happening to you, was when you --
21	Q. Did he or did he not do it?	21	A. It had happened to me, yeah.
22	A. I said he might would do it	22	Q. It's the only time you can tell me
23	sometimes.	23	that you were the only officer in M-dorm when a
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1	Q. Okay. He might would. I want to	1	cell door was opened; is that right?
2	know the names of the people that you know did	2	A. Yeah, it was something -- where
3	it, because you said it was common, okay? That	3	something went wrong or something happened,
4	was your testimony, not mine. If it's common,	4	that's what I'm saying.
5	that means you have knowledge that there are	5	Q. No, no. Can you tell me a time when
6	other jailers who have done this, so give me	6	you were the only officer in M-dorm and called
7	the names of the jailers that you're aware of	7	for a cell door to be opened and nothing
8	that have done this.	8	happened?
9	A. I just gave you a name.	9	A. I don't recall.
10	Q. No, you told me Randy Brown might	10	Q. Okay. So you can't tell me any
11	have. Did he or did he not?	11	names of anybody else that was working here
12	A. I know this has happened before.	12	that would have gone in M-dorm and called for a
13	Q. Okay. To who?	13	cell to be opened when they were the only
14	A. I mean, to all of us. I mean, we,	14	officer in that dorm?
15	you know --	15	A. Well, see, I ain't been working here
16	Q. I need names of people that this has	16	awhile, so I can only tell about my
17	happened to.	17	situation, really, you know.
18	A. What I'm saying, I know that we've	18	Q. Okay. So if you can only tell me
19	opened doors in there before and two officers	19	about your situation, you don't have any idea
20	might not be present at all times, just may be	20	whether it happened to any other officer or
21	one officer in there.	21	not; correct?
22	Q. Okay. Tell me when that's happened	22	A. I'll put it like this: I know it's
23	that you're aware of.	23	something we're not supposed to do, but

<p>1 sometimes it happens, and that's all I'm going 2 to say on that.</p> <p>3 Q. Okay. You know you're not supposed 4 to do it, and we know on November 2nd, 2008 you 5 did it; correct?</p> <p>6 A. Yeah, but I didn't open the door, 7 though. I called for the door to be opened.</p> <p>8 Q. You called for the door to be 9 opened?</p> <p>10 A. Yeah.</p> <p>11 Q. Regardless of whether you opened it 12 or not, it happened?</p> <p>13 A. Right.</p> <p>14 Q. Okay. That's the only time you can 15 recall that you were in that dorm and the only 16 officer present and called for a door to be 17 opened; correct?</p> <p>18 A. Yeah, that -- at that particular 19 time, that particular day, yeah.</p> <p>20 Q. Were there other dates you were in 21 M-dorm and called for a cell door to be opened 22 when you were the only officer present?</p> <p>23 A. I don't know.</p>	<p>137</p> <p>1 opinion, a common occurrence.</p> <p>2 A. I don't know dates and all that. I 3 can't --</p> <p>4 Q. I'm not asking for dates, Mr. 5 Chapman. I'm asking for names.</p> <p>6 A. I can't remember all the names of 7 people that's done worked here.</p> <p>8 Q. You haven't given me one name of 9 anybody else this has ever happened to but you 10 on November 2nd, 2008. And if this was a 11 common occurrence, it would seem to me that you 12 would know other people it had happened to. 13 Maybe I'm wrong. But if it's common, tell me 14 the names of these other people that have done 15 this.</p> <p>16 A. I don't know.</p> <p>17 Q. Did you ever have a discussion with 18 anybody, any other officer about the fact that 19 this policy was routinely being violated?</p> <p>20 A. No.</p> <p>21 Q. Did you ever go to anybody that 22 worked at the sheriff's department and say, 23 "Hey, I know this is up here, but it's really a</p>
<p>1 Q. Okay. Sitting here today, can you 2 tell me of any other officer that did that?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. You testified earlier that 5 this was a common practice. What do you base 6 that on?</p> <p>7 A. I base it on I just know it's done 8 sometimes, I mean, you know.</p> <p>9 Q. Okay. You know it was done 10 sometimes based on what? You can't give me the 11 names of anybody it's happened to. We know it 12 happened to you and it happened one time. Now, 13 maybe you and I have a difference of opinion. 14 In your opinion, if something happens one time, 15 does that make it a common occurrence?</p> <p>16 A. No, it doesn't have to make it a 17 common occurrence.</p> <p>18 Q. Okay, all right. So it would have 19 to happen more than one time for it to be 20 something that was common?</p> <p>21 A. Yeah, I guess it would.</p> <p>22 Q. Okay. So tell me all the other 23 times this happened to make it, in your</p>	<p>138</p> <p>1 joke, because we don't follow this policy"?</p> <p>2 A. No, because I'm not a rat or a 3 snitch.</p> <p>4 Q. Okay. Are you aware of that policy 5 being violated, other than November 2nd, 2008?</p> <p>6 A. Maybe.</p> <p>7 Q. I'm glad to sit here and let you 8 have time to think about it, but if you are 9 aware of any other incident, other than 10 November the 2nd, 2008, when there was an 11 officer present in M-dorm alone and called for 12 a cell door to be opened, now is your chance to 13 tell me.</p> <p>14 A. I don't know. I don't have any 15 comment on that question.</p> <p>16 Q. Are you telling me that you are not 17 aware of any other incident, of this ever 18 happening other than November 2nd, 2008?</p> <p>19 A. Yeah, that's what I'm saying.</p> <p>20 MS. DOWDY: Okay. I don't have any 21 other questions.</p> <p>22</p> <p>23 RE-EXAMINATION BY MR. SAXON:</p>

1 Q. George, when you look at Defendant's
 2 Exhibit 2, how do you interpret that? Is it
 3 that there are to be two officers present at
 4 the particular cell door that's being opened?
 5 A. That's the way I interpret it.
 6 Q. Okay. And you've already testified
 7 that there have been times when you've been in
 8 M-dorm and you've been on one floor the only
 9 officer present at a cell door, and somebody
 10 else was on another floor the only officer
 11 present at a cell, and those cell doors were
 12 opened; right?
 13 A. Right.
 14 Q. Okay. So you know it's happened on
 15 times other than November 2nd and you had
 16 already told her that; right?
 17 A. Right, right.
 18 Q. Okay. Do you think that in casual
 19 conversation, is it your testimony that you, in
 20 general, have heard people say they've done the
 21 same thing; you don't remember who it was?
 22 A. I wouldn't say it's nothing we talk
 23 about or brag about amongst ourselves or

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 1 nothing, but it's just maybe something that --
 2 you know, when you're busy sometimes and you're
 3 working, you don't -- you might not take the
 4 time to, you know, go with someone or that
 5 person may be busy and the other person may be
 6 off doing their thing, you know, and sometimes
 7 it may just maybe be busy and we're understaffed.
 8 We don't have a whole lot of jailers in here no
 9 way. I mean, sometimes we've worked -- I've
 10 worked here with four or five people in one
 11 night, so --
 12 Q. How many are you supposed to have?
 13 A. I believe it's supposed to be 15
 14 officers to each shift, every time a shift
 15 changes, if I'm not mistaken.
 16 Q. And you've been here when it's been
 17 one-third of what it's supposed to have?
 18 A. Yes.
 19 Q. Okay. Anybody get terminated for
 20 that?
 21 A. Not that I know of.
 22 MR SAXON: Okay. That's all.
 23 A. I remember working one particular

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 1 night, just four people, myself and three more
 2 people.
 3 Q. (By Mr. Saxon) For the whole jail?
 4 A. For the whole shift, that was it.
 5 Mind you, two is locked up in the control room,
 6 one in one control room, the other in the other
 7 control room, so that means you've only got two
 8 free people on the floor.
 9 Q. And how many dorms or pods?
 10 A. You've got A-dorm, you've got
 11 B-dorm, you've got C-dorm, you've got D-dorm,
 12 and then you've got H, you've got G and you've
 13 got E and you've got F.
 14 Q. So you were here one night and you
 15 had two guards for all those dorms, two
 16 jailers?
 17 A. Yeah, and M-dorm. And then if
 18 somebody got brought in, booking, you got to
 19 cover booking too.
 20 Q. And if they were brought in, would
 21 they ultimately be put in a cell?
 22 A. They would be put in holding in
 23 booking until somebody could book them in.

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 1 Q. And the cell door would have to be
 2 open to put them in it?
 3 A. Yeah.
 4 MR. SAXON: Okay.
 5
 6 RE-EXAMINATION BY MS. DOWDY:
 7 Q. Could you read Exhibit 2 for me,
 8 please?
 9 A. "There are to be two officers
 10 present at all times when opening cell doors in
 11 M-dorm, no exceptions."
 12 Q. Okay. And if it was your
 13 understanding that you had to be both present
 14 at the door, then you're telling me, testifying
 15 today that y'all regularly -- you regularly
 16 violated this policy?
 17 A. What are you saying? I regularly
 18 violated the policy?
 19 Q. Uh-huh, yes.
 20 A. No, I'm not telling you that.
 21 Q. Well, you testified, when your
 22 attorney asked you about it, that you were
 23 supposed to both be present at the same -- at

<p>1 the door when the cell was opened?</p> <p>2 A. Yeah.</p> <p>3 Q. When that door was opened, your 4 understanding is you're supposed to both be 5 standing there?</p> <p>6 A. Right.</p> <p>7 Q. And sometimes you would be 8 downstairs and sometimes the other officer 9 would be upstairs?</p> <p>10 A. Yeah, that's not uncommon when we're 11 giving showers.</p> <p>12 Q. Then you were regularly violating 13 the policy as you understood it; correct?</p> <p>14 A. Well, I mean, I -- I guess. I don't 15 know how he really intended for it to -- how 16 Mr. McCluskey intended for it to, you know, 17 read. I mean, I'm reading that, but it 18 elaborates no further than this. You know what 19 I'm saying? Do you understand me?</p> <p>20 Q. You just testified that your 21 understanding was that you were both supposed 22 to be standing at the door. You also testified 23 earlier that sometimes you would be at one door</p>	<p>145</p> <p>1 further.</p> <p>2 A. I really don't, because this paper 3 really don't tell -- go into detail in 4 explaining why, never makes any mention of a 5 baton or anything.</p> <p>6</p> <p>7 RE-EXAMINATION BY MR. SAXON:</p> <p>8 Q. Separate and apart, though, from 9 what's on Defendant's Exhibit 3 or what you 10 were told at the time you were terminated, is 11 it your testimony that you believe it had to do 12 with your race, being African-American, and the 13 fact that you had complained to Mr. McCluskey 14 about how Paula Richardson was being treated?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay.</p> <p>17 A. Because before all this, Mr. 18 McCluskey was fine with me. He would see me 19 sometimes, "Doing a good job, buddy," 20 (indicating).</p> <p>21 Q. You mean before the Paula Richardson 22 incident?</p> <p>23 A. Yeah, yeah, pat me on the back,</p>
<p>1 and another officer would be on another floor, 2 at a different door?</p> <p>3 A. Right, right, the one upstairs and 4 the one downstairs.</p> <p>5 Q. But if your understanding was that 6 you were both supposed to be standing at that 7 one door, then that was a violation of policy 8 when y'all were doing it that way, wasn't it?</p> <p>9 A. Well, I guess it was.</p> <p>10 Q. Okay.</p> <p>11 A. I mean, hey, we're trying to -- 12 we're trying to get things done here. We ain't 13 got all day and all night. You know, we've got 14 stuff to do. He (indicating) knows that. 15 These inmates want their shower, they want 16 their breakfast, they want their lunch, they 17 want their dinner, they want, they want, they 18 want. They want cigarettes too, but I never 19 brought them any.</p> <p>20 Q. Sitting here today, Mr. Chapman, do 21 you have any idea why you were terminated?</p> <p>22 A. No.</p> <p>23 MS. DOWDY: Okay. I have nothing</p>	<p>146</p> <p>1 shake my hand, "You're doing a good job, 2 buddy." And after me and him even talked on 3 the telephone, he walked down the hall one day 4 and I was coming up the hall, and he shook my 5 hand and smiled at me and I thought everything 6 was all right. I didn't know nothing, you 7 know, was going to transpire or nothing. But 8 the next few days, bam, fight with an inmate. 9 I'm gone by Friday. The fight happened Sunday. 10 I'm fired Friday.</p> <p>11 MR. SAXON: That's all I've got.</p> <p>12</p> <p>13 RE-EXAMINATION BY MS. DOWDY:</p> <p>14 Q. You don't think that the reason you 15 were fired is because you hit an inmate four 16 times with a baton after he was being tased and 17 was still hooked up to the probes?</p> <p>18 A. Where did you get that, that he was 19 still hooked up to the probes? I never seen 20 him still hooked up to the probes.</p> <p>21 Q. You did testify to that earlier, Mr. 22 Chapman, but I also have it from the records 23 and from Nurse Goldman's notes -- Nurse Gold's</p>

1 notes.

2 A. He was still trying to fight,
3 though. I also told you that too.

4 Q. You don't think that had anything to
5 do with the fact -- do you think that had
6 something to do with the fact that you were
7 fired?

8 A. I don't know. This paper doesn't
9 make no reference to a baton or anything. I
10 told you what I was told, what Mr. Tirey told
11 me. His complete words to me was, "I fired you
12 because Mr. McCluskey said you were going to be
13 a problem and that I needed to get rid of you."
14 So he said, "That's the jail administrator."

15 He told me he had to take the word of his jail
16 administrator, so bye-bye George.

17 MS. DOWDY: I don't have anything
18 else.

19 MR. SAXON: Okay. That's it.

20

21 FURTHER THE DEPONENT SAITH NOT

22

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1 C E R T I F I C A T E

2

3 STATE OF ALABAMA
4 COUNTY OF JEFFERSON

5 I hereby certify that the above and
6 foregoing deposition was taken down by me in
7 stenotype, and the questions and answers
8 thereto were transcribed by means of
9 computer-aided transcription, and that the
10 foregoing represents a true and correct
11 transcript of the testimony given by said
12 witness upon said hearing.

13 I further certify that I am neither of
14 counsel, nor of kin to the parties in the action,
15 nor am I in anywise interested in the result of
16 said cause.

17

18 /s/ Scott Wilmeth

19

20 _____
21 Scott Wilmeth, CCR, RPR
22 CCR #392, Expires 9/30/11
23 Commissioner for the
State of Alabama at Large

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135:2 137:4				
139:10 140:5,10				
140:18				
2009 71:20				
2010 11:14 14:16				
2011 1:19 5:7				
2119 4:7				
23 40:18 41:18,19				
56:4				
24 41:19				
27th 20:11				
28 3:17				
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3 3:19 70:10,13				
122:22 147:9				
3rd 4:7				
3:00 22:6				
30 114:22 124:1				
127:18				
30th 6:23				
300 4:13				
31st 9:15 16:13				
32 17:7				
35203 4:8,14				
36 12:15				
37 7:15				

*Civil Service Board
of Walker County*

Post Office Box 493
Jasper, Alabama 35502-0493
Telephone: (205) 384-7248

September 25, 2008

Mr. George Chapman, Jr.
505 30th Street
Jasper, AL 35501

Dear Mr. Chapman:

New Employee

The employee that has vacated the position you now hold or will hold has a probationary period of six (6) months in his/her new position. If this employee doesn't succeed in the new position he/she can be rolled back.

In the event that this happens you may be terminated within your probationary period of six (6) months.

Reference: Walker County Civil Service Rule Book
Rule 4, Section 3, Number 6 & 7, Page 4

(Board has not approved your hiring; Board will meet again on October 20, 2008)

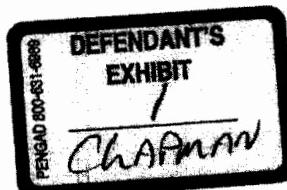
If you have any questions, please let us know.

Sincerely,

Sharon Tucker

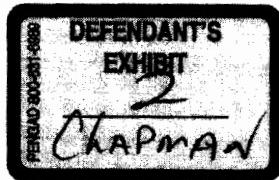
Sharon Tucker
Walker County Civil Service Board
Andrew Archie, Chairman

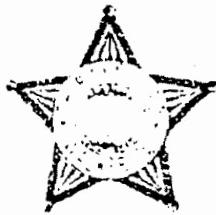
AA/st



There are to be two officers present at all times when opening cell doors in m-dorm, no exceptions!

per 104





John Mark Tirey
Sheriff

Walker County
Office of Sheriff
Telephone 205/302-6464

2001 2nd Avenue
Jasper, AL 35501

November 7, 2008

Mr. George Chapman
Walker County Jail
2001 Second Avenue
Jasper, Alabama 35501

Dear Mr. Chapman,

As you are aware you are a probationary employee. This probationary period extends for a period of six (6) months. It is with regret that I must inform you that your work performance is unsatisfactory at the Walker County Jail.

I must inform you that your position as a jailer at the Walker County Jail is hereby terminated effective Friday, November 7, 2008.

Sincerely,

John Mark Tirey,
Sheriff

cc: Walker County Commission
Civil Service Board of Walker County
Jail Administrator Trent McCluskey

